CONFERENCE OF THE COMMITTEE ON DISARMAMENT

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FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND FORTY-FIFTH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 23 October 1969, at 10.30 a.m.

Chairman: Mr. C.O. HOLLIST (Nigeria)

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PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS Mr. A.F. DUMONT Mr. O. SARACHO
Brazil:	Mr. S.A. FRAZAO Mr. P. CABRAL de MELLO Mr. D. NATARIO Mr. M. DARCY de OLIVEIRA
Bulgaria:	Mr. K. CHRISTOV Mr. I. PEINIRDJIEV
Burma:	U CHIT MYAING U KYAW MIN
Canada:	Mr. G. IGNATIEFF Mr. R.W. CLARK
Czechoslovakia:	Mr. T. LAHODA Mr. J. CINGROS
Ethiopia:	Mr. A. ZELLEKE
Hungary:	Mr. I. KOMIVES Mr. S. HAJNAL
India:	Mr. M.A. HUSAIN Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO Mr. F.L. OTTIERI Mr. R. BORSARELLI Mr. U. PESTALOZZA
Japan:	Mr. Y. NAKAYAMA Mr. T. SENGOKU Mr. J. SAKAMOTO

Mexico:	Miss E. AGUIRRE
	Mr. J. MERCADO
Mongolia:	Mr. M. DUGERSUREN
	Mr. Z. ERENDOO
Morocco:	Mr. A.A. KHATTABI
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Mr. C.O. HOLLIST
Pakistan:	Mr. K. AHMED
	Mr. S.A.D. BUKHARI
Poland	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. C. GEORGESCO
	Mr. C. MITRAN
	Mrs. F. DINU
	Mr. F. ROSU
Sweden:	Mr. A. EDELSTAM
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. R.M. TIMERBAEV
	Mr. V.B. TOULINOV
	Mr. Y.C. NAZARKINE
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. Y. RIZK
	Mr. M. ISMAIL

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Yugoslavia:	Mr. M. BOZINOVIC Mr. M. VUKOVIC
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. **The CHAIRMAN** (Nigeria): I declare open the 445th plenary meeting of the Conference of the Committee on Disarmament.

2. **Mr. DUGERSUREN** (Mongolia): Before coming to the substance of my statement I should like to extend my delegation's warmest congratulations to the Soviet delegation on the successful conclusion of the historic experiment in the launching of spacecraft with seven cosmonauts on board, which has brought yet another outstanding victory of Soviet science and technology in the field of the peaceful exploration of outer space. My delegation was among the first to wish the cosmonauts good luck and every success, and we are happy now to express our sincere satisfaction and joy at the successful outcome of their space feat.

3. The delegation of the Mongolian People's Republic would like today to express briefly its preliminary views on the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269) presented jointly by the co-Chairmen.

4. If it is at this late stage of the Committee's work that the Mongolian delegation is taking part for the first time in the debate on this important question, it is not because of any lack of interest on our part in the question or that we are less concerned about a speedy and positive solution of the problem. It has rather been prompted by our desire to acquaint ourselves properly with the wide range of issues involved. In fact we have been closely following the highly enlightening and constructive discussion in this Committee, and we have tried to study carefully the statements made as well as the relevant documents placed before the Committee. As we are the representatives of a purely landlocked country, separated from the sea shores by hundreds of kilometres horizontally and more than a thousand metres vertically, our voice may sound like that of a roof-dweller or a near roof-dweller, in so far as we may not be adequately conversant with the many complex issues concerning such important pertinent subjects as the territorial waters, the continental shelf, and especially the sea-bed and the ocean floor.

5. At the same time we can say that we feel much safer from being burdened by considerations of immediate national interests, however justified they might be, when we formulate our positions on questions relating to the sea-bed and the ocean floor. That means that if our position on some questions is at variance in some way or another with the interests of coastal States, it only implies that we are prompted primarily by the common concern of mankind in securing that area for peaceful purposes.

6. Having made those preliminary remarks, I should like now to turn to the subject at hand.

7. First of all, I should like to associate myself with previous speakers who have congratulated our co-Chairmen on their presentation to the Committee of the joint draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof. We do appreciate the assiduous work done by the co-Chairmen to arrive at this decisive point, and my delegation is fully cognizant of the attendant complex problems with which they have had to deal. We are especially grateful to the Soviet delegation, led by Mr. Roshchin, whose flexible attitude and determination to come to a speedy agreement on this important matter have been highly instrumental in making it possible to work out the draft treaty. It has finally become possible for the Committee to register with a sense of satisfaction considerable progress towards solving the problem of the non-armament of the sea-bed and the ocean floor.

8. My delegation, like many others, attaches importance to the conclusion of a treaty on the basis of the joint draft because its immediate and far-reaching result would be the prevention of the proliferation of nuclear and other weapons of mass destruction in the vast area which, according to some estimates, equals nearly 80 per cent of the surface of our planet. As is stressed in its preamble, such a treaty, adhered to and observed by all States, would greatly contribute to the cause of general and complete disarmament under effective international control, to reducing international tensions and to strengthening confidence among nations. It would further encourage the peoples in their endeavour to preserve the sea-bed and the ocean floor exclusively for peaceful uses and promote international co-operation for the good of mankind.

9. The achievement scored is certainly of great importance for the cause of world peace and security. Nevertheless, my delegation is not fully satisfied with what we have achieved so far. The agreement reached, though important in itself, has fallen short of meeting the worldwide desire to have the sea-bed and the ocean floor fully demilitarized. It could be said that the crucial problem of the prohibition of the

(Mr. Dugersuren, Mongolia)

use for military purposes of the sea-bed and the ocean floor and the subsoil thereof, as originally proposed by the Soviet Union and supported by many representatives in this Committee, has boiled down in a sense to arms-control measures in that area. This is an outcome which is not fully satisfactory, especially in the light of the fact that demilitarization of that vast area is basically a measure of a preventive nature which is not so overburdened and protracted as some disarmament problems are. Should there exist political decision or will of all the main parties concerned, full agreement could be reached without great difficulty.

10. The fact that conventional weapons are not covered by the prohibition under the present draft treaty cannot but arouse anxiety among the world community. Indeed, my delegation shares the view that the prohibition of the emplacement of weapons of mass destruction only in no way rids mankind of the danger of an arms race on the sea-bed and the ocean floor. The reports about the plans for the military use of those areas which are reportedly being worked out in certain NATO countries lead one to think that this apprehension might soon turn into a gloomy reality. The complete demilitarisation of the sea-bed has been and should remain our final goal.

11. It is precisely for these reasons that my delegation fully endorses the proposal put forward by the delegations for Sweden, the People's Republic of Bulgaria, the Czechoslovak Socialist Republic and others which has been formulated in the Swedish working paper (CCD/271). A new article whereby the parties to the treaty undertake to continue in good faith negotiations on further measures for the complete prohibition of the use for military purposes of the sea-bed and the ocean floor should be incorporated in the operative paragraphs of the draft treaty if we are going to honour the desire of the overwhelming majority of the Committee members to achieve that final goal.

12. I should like to make some other comments on the draft treaty and on certain of the proposals put forward by those representatives who have spoken before me.

(Mr. Dugersuren, Mongolia)

13. First of all, my delegation wishes to state that in its view the draft treaty has been prepared so as to reflect as far as possible important proposals made by different delegations during the debates in this Committee. With the understanding that some appropriate proposals put forward after the presentation of the draft will be duly incorporated, my delegation fully endorses the draft treaty as an important contribution by the Committee to nuclear arms control, a considerable partial measure to be recommended for approval by the United Nations General Assembly.

14. Turning to questions of verification, my delegation is of the opinion that article III of the draft treaty broadly provides the basis upon which every State party may exercise its right of verification. However, we think that in order to strengthen the assurance of compliance with the verification provisions it might be useful to incorporate a recourse clause in the text. At the same time we consider that the recourse provision must make it quite clear that the Security Council can be approached first and foremost as the organ responsible for maintaining international peace and security, but not as a provider of the verification machinery.

15. In the discussion of the verification problems two main trends are obvious. The first trend is the arguments and proposals put forward by a number of representatives with a view to protecting the specific rights and interests of coastal States established and recognized by relevant international instruments — that is to say, legal considerations. The other trend is based mainly on technical feasibilities in rejecting some of the legally-founded proposals. Although we admire the outstanding achievements of the technological revolution, we should not be, so to speak, too technically minded. My delegation thinks that due consideration should be given to those proposals which stem from the sovereign rights and security interests of States, even if their implementation at the present stage would involve certain difficulties from the technical point of view.

16. There have been some suggestions concerning the incorporation of a provision on the review conference. My delegation, having in view the past practice in several recent treaties including the Treaty on the Non-Proliferation of Nuclear Weapons (ENDC/226*), considers that these suggestions deserve careful consideration. While

taking this stand, I should like to make one point clear. If it comes to the inclusion of a review provision, it should be explicitly provided that, apart from reviewing the situation with regard to the implementation of the treaty, such conference or conferences must deal with questions on the measures designed to bring about the complete demilitarization of the sea-bed and the ocean floor and the subsoil thereof.

17. In this connexion I should like to recall one remark made by Mr. Leonard at the Committee's meeting on 22 July when he explained the review provision of the United States draft of the treaty (ENDC/249). It was stated that the review provision would ensure that all possible aspects of sea-bed arms control — nuclear and conventional — were subject to periodic scrutiny and negotiation when appropriate. It was further stated that --

> "The fact that the review conference would be set for five years after entry into force [of the treaty] does not, however, mean that there could be no consideration of further prohibitions until that time."
> (ENDC/PV.421, para.41)

This supports the view of my delegation, and we hope that, should the review provision be incorporated in the final draft, our suggestion will find proper reflection therein.

18. May I be permitted further to make one or two small suggestions? My delegation would like to submit for the consideration of Committee members a suggestion concerning the possible addition of a new preambular paragraph which would make a general reference to the relevant United Nations General Assembly resolutions[1] wherein the members of that world body have expressed their will to preserve exclusively for peaceful purposes the sea-bed and the ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction. This new paragraph could be inserted after the present first preambular paragraph.

19. I venture to believe that this suggestion hardly needs an elaborate explanation. Suffice it to mention that in fact the United Nations first dealt with the problem of the prohibition of the use for military purposes of the sea-bed and the ocean floor from the other side of the same coin, so to speak, and the pertinent General Assembly

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[1] 2340/XXII, 2467/XXIII

resolutions have always served as one of the guidelines of our deliberations here in this Committee. In supporting our proposal, we should like to point out further that it has become a well-founded tradition to refer to the relevant General Assembly resolutions in the case of those treaties whose subject matter has been specifically dealt with by the United Nations. Moreover, this treaty, as we understand it, would be worked out and concluded under the aegis of the United Nations.

20. My delegation thinks that the paragraph suggested could be worded as follows:

> "In conformity with the resolutions of the United Nations General Assembly calling for the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction;".

We have worded this paragraph almost exactly along the lines of the third preambular paragraph of the Treaty on the Non-Proliferation of Nuclear Weapons. My delegation would be happy to co-operate with those representatives who might show interest in our suggestion and would like to have it improved and incorporated in the draft treaty.

21. Finally, by way of a passing remark, my delegation would suggest that the wording of the present second preambular paragraph might be improved if we added in the last part of it the word "promotes" and substituted the word "confidence" for the words "friendly relations". With these amendments the paragraph would read:

> "Considering that the prevention of a nuclear arms race on the sea-bed and the ocean floor serves the interests of maintaining world peace, promotes the reduction of international tensions and the strengthening of confidence among States;"

This by no means implies that we belittle the importance of the treaty for the cause of world peace and security. What we want is to try to make the language and meaning of the passage more exact. In fact, we think that there are many other factors which have a more immediate and decisive bearing on the easing of international tensions and the strengthening of confidence among States. I hope the authors will bear this suggestion in mind when finalizing the draft treaty.

22. My delegation has addressed itself to some of the important issues in a rather sketchy and preliminary manner. We wish to say that after the draft treaty has been given final shape in the light of the observations of various delegations in this Committee we shall be in a position to return to it once again.

23. In concluding my speech I would like to associate myself with those who have extended a welcome to Lord Chalfont, the leader of the United Kingdom delegation, and to Mr. Kazimierz Zybylski, the leader of the Polish delegation, on their return to this Committee. My delegation, being a newcomer, sincerely looks forward to benefiting from their knowledge and experience.

24. Mr. AHMED (Pakistan): My delegation takes this opportunity to congratulate the Soviet delegation on the latest achievements of Soviet science and technology in space as demonstrated by the flights of Soyuz 6, 7 and 8. We are happy that the brave cosmonauts have returned to earth safely after the completion of their tasks.

25. We are well aware of the long and intensive consultations that have taken place between the two co-Chairmen and the hard work needed to produce a joint draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269). Considering the rather wide margin of difference between the original drafts presented by the USSR (ENDC/240) and the United States (ENDC/249), the joint draft now before us is the result of the mutual understanding shown by our co-Chairmen. My delegation welcomes this and sincerely hopes that the same spirit will be reflected in their negotiations in the field of nuclear disarmament.

26. Mr. Roschin, in his statement of 7 October (CCD/PV.440, para. 18), expressed the hope that the draft treaty would receive the wide support and approval of the members of the Committee on Disarmament. Mr. Leonard in his statement on the same day spoke of "the importance of timely submission of a broadly-agreed text to the current General Assembly." (ibid., para. 22) He also mentioned the possibility of changes in the text with a view to improving it. We feel encouraged by this constructive approach on the part of the co-Chairmen and would like to take this opportunity to present the preliminary views of the Pakistan delegation on the draft treaty before us.

27. My delegation supports, in principle, the total and effective prevention of the arms race on the sea-bed, on the ocean floor and in the subsoil thereof. This objective has already been established in General Assembly resolution 2467 (XXIII), which declares that the sea-bed beyond the limits of present national jurisdiction shall be reserved exclusively for peaceful purposes. My delegation would therefore have preferred a total prohibition of the military uses of the sea-bed except for installations of a purely defensive nature. It appears, however, that it does not seem possible to achieve this objective at this time.

28. That being so, we consider article I of the draft treaty, which prohibits the emplanting of objects with nuclear weapons or any other types of weapons of mass destruction, as only a first but a significant step in the process of complete demilitarization of the sea-bed, the ocean floor and the subsoil thereof. It is obvious that the prohibition would be of a very limited nature, but the fact that it would prevent the nuclearization of the sea-bed deserves our support. At the same time we firmly believe that further measures are necessary for the exclusion of the sea-bed from the arms race. We are glad to note that this is pledged in the third preambular paragraph, and we strongly support the view expressed by a number of delegations that a clear commitment to this effect should be embodied in a separate article in the operative part of the draft treaty. We sincerely hope that this proposal will be acceptable to the co-Chairmen.

29. In regard to the question of the geographic area in which prohibition should apply, my delegation shares the view, which has been expressed by many delegations, that it should consist of the area beyond a horizontal distance of twelve miles from the coast. We feel that the purpose of this treaty would be better served if efforts were made to remove the ambiguity in article I and to define the geographic area in clearer language.

30. I now turn to article III, which deals with verification. In our view this article in its present form is inadequate and insufficient. The right to verify is in effect very limited in nature. It is obvious that verification on a national basis can be carried out by only a few technically-advanced countries. The verification procedure in article III provides for a secure system as far as the two super-Powers are concerned, but has very limited value for most of the other countries, as only some of them are equipped to carry out verification with their own resources. We appreciate the provision in paragraph 2 of article III, but it is evident that it too has its own limitations.

31. My delegation therefore believes in the basic approach that there should be an international arrangement for verification procedures. It appears that some delegations are of the view that the time is not yet ripe for the establishment of an international organization to ensure the observance of the proposed treaty. My delegation, however, believes that we should visualize a gradual evolution of the process of verification. We therefore consider it important that the principle of international responsibility should be clearly recognized by an appropriate provision in the treaty so that it should be possible in the near future to establish an effective international arrangement for this purpose.

32. Article IV in its existing form gives the right of veto to the nuclear-weapon States. We agree with other delegations that this privileged status is not appropriate and that the reference to it in this article should be deleted.

33. It will be recalled that the original United States draft contained a provision for a review conference. In the course of the discussion on the joint draft before us a number of delegations have suggested that an article providing for a review conference should be included in it. We support the idea, as periodic review of the operation of the treaty would enable us to ensure that the preamble and provisions of the treaty were being fully observed.

34. It is our earnest hope that these observations of my delegation will receive due consideration in the preparation of a revised draft treaty.

35. May I take this opportunity of joining other delegations in welcoming back Lord Chalfont and Mr. Zybylski? Their return to this Committee will greatly help all of us in the work with which we are concerned.

36. Mr. ORTIZ de ROZAS (Argentina) (translation from Spanish): I should like first to welcome the leader of the Polish delegation, Mr. Zybylski, who has returned to the Committee and will again give us the benefit of his vast knowledge in this field. I should like also to welcome the leader of the United Kingdom delegation, Lord Chalfont. We in Argentina are, of course, very familiar with Lord Chalfont's

brilliant qualities as a diplomat and as a skilful negotiator, and we are convinced that those qualities, together with his profound knowledge of the problems of disarmament, will constitute a very valuable contribution to the work in this forum.

37. My statement today will be devoted to consideration of the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269) submitted by the Union of Soviet Socialist Republics and the United States of America.

38. First of all I should like to associate myself with previous speakers on this subject in thanking the co-Chairmen for the efforts they have made to achieve a joint text reflecting the understanding reached by the two Powers on this difficult question. We have said -- and we have repeated many times -- that appropriate, practical, timely measures must be adopted to prevent the extension of the arms race to the sea-bed and the ocean floor and to ensure that those environments are used exclusively for peaceful purposes. The draft treaty constitutes a first step in that direction. Despite its non-armament nature, it also constitutes a further step towards general and complete disarmament under strict international control.

39. The Argentine Government has studied the draft treaty in the greatest spirit of co-operation, aware of its responsibilities as a member of the Committee and of the need to put forward its views on the elaboration of an instrument which represents a significant contribution towards disarmament. We are absolutely convinced that that objective will be attained only in so far as the future treaty envisages an acceptable balance of responsibilities and obligations among all States parties thereto, without any exception. In other words, to ensure the viability and universal scope of the treaty, the provisions that it will finally contain must not reflect any discriminatory criterion. To that end it is necessary to consider carefully certain relevant principles which are closely linked to legal problems of paramount importance to the countries, and to take account of the special features of the subject matter.

(Mr. Ortiz de Rozas, Argentina)

40. In fact the scope of the draft treaty is very different for two groups of possible signatories. For a few States its provisions have real and strict practical application. I am referring to the great Powers which possess not only the weapons prohibited under the treaty but also the effective and immediate capacity to emplace them on the sea-bed, and — a most essential factor — the possibility of mutual verification.

41. On the contrary, for the other group, which comprises the vast majority of countries, the main clauses of the treaty are rather of theoretical value. Those are the countries which do not possess nuclear weapons or other weapons of mass destruction, do not have the means of emplacing them on the sea-bed and are not even in a position to verify unaided any violation, suspected or real, but which none the less yearn for the conclusion of an agreement such as the one we are considering, because of its significance for security and world peace.

42. In the particular case of Argentina — and of many other countries also — there are to be added the interests deriving from an extensive seaboard and a wide continental shelf, the protection of which is, needless to say, of vital importance to us.

43. In view of the marked disparity to which I have drawn attention, if countries which are in that position are to accede to the treaty with enthusiasm and confidence, the least they can demand is that their rights should be reasonably safeguarded, both as regards the existing legal order and that which might be created in application of the treaty. We have no doubt whatever that the co-Chairmen will take due account of this factor and will give their most favourable consideration to any proposal for the improvement of the document, as they have indeed already announced. In this connexion we are pleased to note the statement made by Mr. Leonard on 7 October:,

> "The draft treaty we are presenting today has been worked out by the Governments of the United States and the Soviet Union as a recommendation for discussion and negotiation in this Committee." (CCD/PV.440, para.22)

44. On the other hand we regret that, after the prolonged negotiations between the co-Chairmen in order to reach a bilateral agreement, we have not had an exhaustive

debate here which, in the words of the United States representative, would have made possible "timely submission of a broadly-agreed text to the current General Assembly." (ibid.). If this does not appear feasible in the Committee owing to the urgency with which we have to finish our work, it is possible — and it would be desirable — that an agreement on this important question should be reached in the General Assembly once the other countries Members of the United Nations have had an opportunity of making their valuable contributions by analysing, commenting on and possibly amending the text that will be submitted to them. Therefore I shall make a few preliminary comments here, reserving the right to revert to them and expand them before long in the General Assembly.

45. I said at the beginning of my statement that the preparation of a treaty such as the one we are discussing is only one more collateral, though important, measure towards the objective of general and complete disarmament under strict international control. We are convinced that this is also the opinion of all the members of the Committee. The co-authors themselves have recognized this explicitly in reaffirming this conviction in the fourth preambular paragraph of the draft treaty, in which is added the determination of the parties to continue negotiations to this end.

46. In the opinion of the Argentine delegation this is the most important aspect of our endeavours. I would almost go so far as to say that it constitutes an imperative mandate for the whole international community, and particularly for the Committee on Disarmament. We think, therefore, that this preambular provision should be included in the operative part of the draft in order to give it the character of a binding undertaking.

47. With regard to the fifth preambular paragraph, we share the view that a treaty on the "non-armament" of the sea-bed and the ocean floor should be consistent with the purposes and principles of the United Nations Charter. This presupposes, logically, respect for the sovereign rights of coastal States over the maritime zones adjacent to their coasts.

48. I shall turn now to an analysis of article I of the draft, which fixes the scope of the prohibition and delimits the maritime zone within which its provisions are not

applicable. We fully agree with the views expressed by the United States representative on 7 October when he said: "I believe we can all agree that a sea-bed arms-control agreement should not and cannot be an instrument to solve complex questions of the Law of the Sea ..." (ibid., para. 28). We, too, think that an agreement of this nature cannot and should not be intended to solve such complex problems. But — and this is of the utmost importance — neither should it contribute to the creation of new problems.

49. This danger arises precisely in referring to the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone[2] in order to establish, in a complex and ambiguous manner, the geographical limit beyond which the activities prohibited by the treaty may not be carried out and within which, although the draft does not say so, it is presumed that they may be carried out. The aims and the nature of the treaty require the greatest possible clarity in its terms. This is in no way achieved by oblique reference to the so-called contiguous zone mentioned in that instrument. Apart from leading to confusion, the reference to the Geneva Convention gives rise to fundamental legal objections. In fact, the system provided for by that Convention contains concepts and rules that are still subject to controversy internationally and therefore a large number of countries members of this Committee, and even the majority of the Members of the United Nations, are not parties to that Convention.

50. The transposition of the concept of the contiguous zone, which has been very much debated in international law, as a basis for the determination of the sphere of application of the treaty gives rise to much misgiving and creates many more problems than those it will supposedly help to solve. If the intention of the co-Chairmen is to obtain the widest possible acceptance of the draft, and if it is really true that nothing in it would prejudice rights or claims in respect of the legal status in the maritime environment, then instead of referring to the Geneva Convention in this article there is nothing to prevent the use of a clear and

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[2] United Nations Treaty Series, vol. 516, pp. 205 et seq.

precise definition fixing the limit of the maritime zone at twelve miles for the purposes of the application or non-application of the treaty, as was proposed in the original Soviet draft (ENDC/240). By reintroducing that formula the draft would gain in precision of language and many fears and doubts would be dispelled.

51. Further proof of the importance of this article, both because of its subject and because of the formula used, is the special interest with which other delegations have tackled this difficult question, pointing out the problems that arise from its interpretation. I am referring to the pertinent comments made in their statements by the representatives of Japan (CCD/PV.442, para.7), the Netherlands (ibid., para.20), Sweden (CCD/PV.443, paras. 13, 14), Brazil (CCD/PV.441, para.50) and Ethiopia (CCD/PV.444, para.127) in regard to this article. It should therefore be amended so as to eliminate all the difficulties that have been indicated.

52. The defects pointed out in the preceding article also appear in article II, paragraph 1, where the technical procedure for measurement is again determined by using concepts not generally accepted by the international community. For our part, here also we should have preferred a clear text specifically conceived for the purposes of this treaty in order to fix the outer limit of the maritime zone beyond which the treaty provisions come into force.

53. However, realizing the difficulties that the co-Chairmen have had to face in order to solve this thorny problem and other problems which, in essence, still remain unsolved, in our desire to co-operate to the utmost we might possibly be willing to accept the proposed system of measurement, provided that article I, paragraph 1, were modified in the way I have just indicated. What is difficult to understand because it is altogether irrelevant for the purposes of measurement is that, here again, a legal concept is transposed which could raise problems of jurisdiction whereas the whole object is to avoid a problem that is so complex that for obvious reasons it cannot be solved by the present draft. Recourse to this concept is all the more singular in view of the existence of other denominations for specifying the area exempt from the prohibition without prejudging, either directly or indirectly, the extension that the territorial sea should have.

54. With regard to article II, paragraph 2, we consider that its provisions are and should always be obligatory in treaties of this kind. Nevertheless, it seems to us to be invalidated by the existence in the draft itself of provisions, such as those I have already analysed, which do in fact prejudice certain rights inherent in national maritime jurisdiction. In order to make this paragraph truly relevant, we repeat, it is necessary to redraft the first two articles in the way I have suggested.

55. I should like now to consider in some detail article III, relating to the control procedure. To set this problem in its proper perspective, it has to be considered on the basis of the premise that the sphere of application of the treaty coincides with vast areas of the sea-bed and the subsoil thereof which are subject to the sovereignty of the coastal States. I am referring to the continental shelf, with regard to which the International Court of Justice, in the judgment delivered in the case of the delimitation of the continental shelf between Denmark, the Federal Republic of Germany and the Netherlands, stated:

> "What confers the ipso jure title which international law attributes to the coastal State in respect of its continental shelf, is the fact that the submarine areas concerned may be deemed to be actually part of the territory over which the coastal State already has dominion — in the sense that, although covered with water, they are a prolongation or a continuation of that territory, an extension of it under the sea". 3/

International law recognizes that coastal States have sole and exclusive exploration and exploitation rights over the continental shelf. This sovereign right is inalienable, natural and exclusive to the coastal State, and as a consequence of it all investigation activities carried out in this zone must have the prior consent of that State.

3/ International Court of Justice: Reports of judgments, etc. North Sea Continental Shelf Case, 20 February 1969, Judgment, p.31.

56. It is obvious that this draft cannot modify the legal status of the continental shelf. At the same time we recognize the need for an effective verification system to allow the determination, with the utmost precision, of the fulfilment of the obligations laid down in the instrument. It is a question, therefore, of establishing a careful balance between an existing legal system and the requirements of an adequate verification procedure, without implying thereby that the rights of the coastal States over the continental shelf are in any way affected while the control procedure is being carried out.

57. Thus, whatever verification system is adopted, the interests and the security of coastal States must be considered especially carefully. This implies that such States must at least be aware of the procedures that other States are carrying out within the zones subject to their jurisdiction, and must have the opportunity of associating themselves with those procedures if they so wish.

58. We believe that the machinery envisaged in article III raises various questions which should be resolved within the context of the treaty. For example, the article provides that -

> "... the States Parties to the Treaty shall have the right to verify the activities of other States Parties to the Treaty ... if these activities raise doubts concerning the fulfilment of the obligations assumed ... without interfering with such activities or otherwise infringing rights recognized under international law ..." (CCD/269, p.2)

To clarify this concept, the representative of the United States and co-sponsor of the draft said:

> "... the provision does not imply the right of access to sea-bed installations or any obligation to disclose activities on the sea-bed that are not contrary to the purposes of the treaty." (CCD/PV.440, para. 32)

59. Subject to the reservation already made with regard to the continental shelf, we agree with that interpretation. We understand, a contrario sensu, that in face of a violation of the treaty there exist a right of access to the installations emplaced on the sea-bed, and an obligation to disclose activities contrary to the aims of the treaty.

60. A difficulty arises in this case for the great majority of countries that do not possess the means of verifying unaided any suspected or real violation. I wish to be absolutely clear on this point: I am referring to the verification procedure that has

to be carried out in the depths of the sea, and not to suspicious activities that take place on the surface with a great display of ships and equipment in regard to which we can accept the hypothesis that they are easy to detect.

61. How can the technologically less-developed countries investigate what other States are doing on the sea-bed and — what is even more serious — on their own continental shelves, if they lack the necessary equipment and resources? It has been said, and it will perhaps be reiterated, that in such a situation the provisions of paragraphs 2 and 3 of article III would apply — that is, the aid of third States and the system of consultation and co-operation. But aid and co-operation of this kind are undeniably optional and, in short, the less-developed countries will always be dependent for their security on such uncertain factors as the good will of those which possess the means of investigating the sea-bed, the availablity of equipment which is admittedly scarce, or even the changing circumstances of the international situation.

62. Therefore it can be said that although the letter of the treaty ensures, as the representative of the Soviet Union has said, "equal rights for each State party to the treaty to participate in the exercise of control ..." (ibid., para.16), strictly speaking this right is illusory, for the possibilities of exercising it are far from identical, so that in practice it would be restricted to a small group of possible signatories.

63. This line of reasoning brings me to the question of an international authority, which has been raised a number of times in this Committee. In this connexion my delegation feels that the comments made by the representative of Italy are very pertinent, and shares the views he expressed at the meeting on 9 October when he said:

> "... we wish to stress once again that it is essential that the principle of international responsibility in the matter of control should be recognized in the provisions of the treaty. In other words, an adequate procedure introducing — through machinery to be determined — recourse to international organizations must be established; and this both on account of the principles I have mentioned and because of the legitimate concern of States with very long coastlines at seeing certain of their inalienable sovereign rights ... threatened by unjustified verification operations which might be carried out by other States". (CCD/PV.441, para.36)

In the same order of ideas Mr. Caracciolo said later:

> "... if the States which adhere to the agreement now under discussion consider themselves to be threatened by the real or suspected activities of other States, they must be able to avail themselves of the guarantees provided by the treaty without the need to have recourse to the optional assistance of the technologically more advanced States." (ibid., para.38)

64. Moreover, in view of the doubts to which the control procedure gives rise and the obvious imbalance which it reveals, the relevant article should in our opinion contain an additional clause under which it would be clearly established that the verification activities must be strictly limited to ensuring compliance with the obligations laid down in the treaty and cannot constitute a basis for creating sovereign rights over the sea-bed and the ocean floor or for asserting, supporting or rejecting a claim to sovereignty over the said sea-bed and ocean floor; and will not affect the sovereign rights or the exploration and exploitation rights of the coastal State over the continental shelf adjacent to its shores. The delegation of Argentina intends to embody this idea in due course in a text which will be submitted to other delegations.

65. We have studied with very great interest the working paper (CCD/270) presented by the delegation of Canada, and we note with satisfaction that it broadly reflects the concern we have already expressed. We are pleased to inform the Canadian delegation and the Committee that we are prepared to co-operate with other delegations in drafting a final text which would obviate the difficulties we observe in the present wording of article III.

66. My Government considers that all the comments we have made are essential in order to achieve a suitably-balanced instrument appropriate to the nature of the agreement we are endeavouring to reach. To this end we must also draw special attention to another aspect that has already been rightly referred to by other speakers. I am referring to article IV of the draft and to its complement in article VI, paragraph 3, which introduce a spread-out system of vetoes for the various stages of the legal procedure through which an international instrument has to pass: entry into force,

acceptance of amendments, and their entry into force. These provisions are all the more surprising since neither of the original drafts — ENDC/240 submitted by the Soviet Union nor ENDC/249 submitted by the United States — contains clauses of this nature.

67. In this regard the delegation of Argentina supports the proposal made by the representatives of Japan and Brazil to include in article IV the same provision on this subject as is contained in the Treaty on the peaceful uses of outer space (General Assembly resolution 2222 (XXI) Annex), and moreover envisaged in the United States draft.

68. We note that in the draft submitted by the co-Chairmen no provision is made for the convening of a review conference as contemplated in article V of the original United States draft. The provision of such machinery should be included in the treaty, as was done in the draft to which I have referred, in order to allow for future technological advances and for consideration, if necessary, of any amendments which may be proposed in the future. The present article IV, in addition to having the disadvantage of establishing the system of vetoes which I have already mentioned, does not stipulate which is to be the competent body to carry out the review procedure when it becomes necessary to modify the instrument. The treaty should contain clear and specific provisions on this subject.

69. The existence of a review conference does not of course exclude the incorporation in the draft of provisions which will ensure general acceptance of the instrument, and, in particular, which will protect the rights of coastal States over the continental shelf. These rights cannot be disregarded or left for future consideration by a conference strictly limited to the operation of a "non-armament" treaty.

70. Lastly, we believe that article VI, paragraph 3, in addition to institutionalizing the veto, has the drawback of the small number of ratifications required for the entry into force of the treaty. We consider this number insufficient in view of the nature of the treaty and the scope of its application.

71. **U CHIT MYAING** (Burma): I should like, first of all, to congratulate the co-Chairmen on their success in elaborating the draft treaty (CCD/269) which they presented to the Committee on 7 October, and also to express my sincere admiration of their patient efforts and spirit of mutual accommodation in achieving the agreement it embodies. I believe that this joint draft constitutes a necessary and significant step towards ultimately achieving a treaty text which will attract the widest possible adherence; and I trust that such a treaty will indeed emerge from the broader negotiations which have now begun. With this object in mind I shall now venture to offer some comments, which must necessarily be of a preliminary nature as my Government is still studying the joint draft.

72. When one examines the draft certain desirable improvements suggest themselves. However, in my intervention today I shall confine myself to a selected few whose incorporation in the final treaty text would, I believe, greatly enhance its appeal as well as its viability in the long run.

73. In the first place, there is the fundamental question of the scope of the treaty's prohibition. As defined in article 1 of the co-Chairmen's draft, this would cover only nuclear weapons and other weapons of mass destruction. I am not unmindful of the many and forceful arguments adduced during the earlier phases of our deliberations in support of a limited ban of this nature. Nor have I any inclination to deny arbitrarily what a sizable number of countries consider they require, by way of certain defensive sea-bed uses, to safeguard their own security. All things considered, however, my delegation continues to share the majority view that a comprehensive prohibition would best serve the larger interests of security in the world as well as the common purpose of humanity to reserve the sea-bed and the ocean floor for peaceful exploration and exploitation.

74. Thus, while we agree wholeheartedly with the intent and spirit of the third preambular paragraph of the draft, we find that the scope of the prohibition as defined in article 1 falls considerably short of what we think it should be. We therefore feel strongly the need for a firm assurance to be written into the treaty regarding further negotiations towards a more comprehensive prohibition; and we believe that this should be done by inserting in the treaty an additional article on the lines suggested by the Swedish delegation in its working paper CCD/271.

75. I also share the concern of my Swedish colleague that we should be very clear from the beginning as to the meaning of the term "arms race" used in the third

(U Chit Myaing, Burma)

preambular paragraph. If, as we are often told, military logic and considerations of cost-effectiveness would indeed rule out the possibility of a sea-bed arms race in non-nuclear weapons, at least in the foreseeable future, that particular term, when used in the context of the third preambular paragraph, would have a somewhat imprecise and limited meaning. I am sure that this is not what is intended. I feel therefore that we could with advantage set that right by, say substituting for the words "exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race" in the third preambular paragraph the words "prohibition of the use for military purposes of the sea-bed, the ocean floor and the subsoil thereof".

76. Representing a country which has a long, indented coastline and several fringes of offshore islands, and which only fairly recently extended the breadth of its territorial sea from three to twelve miles, I am highly gratified that under the relevant provisions of articles I and II, the meaning of which was clarified and confirmed by the co-Chairmen at our meeting on 7 October (CCD/PV.440, paras.9-13,24-31), the breadth of the contiguous zone to be established for the purpose of the treaty is to be twelve miles and its outer limit is to be measured from the same baselines as those used in measuring the outer limit of the territorial sea. The language of the pertinent stipulations is clear on those two points.

77. However, I find myself in agreement with several previous speakers that the present language of article I is not absolutely clear as to what the status under the treaty would be of the area of the contiguous zone lying beyond the outer limits of the territorial sea in cases where the breadth of the two was not identical. I also agree with them that this ambiguity, which I am sure is inadvertent, should be removed entirely; otherwise the present doubts and apprehensions will not only remain but may very well be intensified. That could only be needlessly detrimental to the success of the project in hand.

78. After hearing the comments of the representatives who have spoken about the gaps or loopholes to which the present language of article I could give rise, it seems to me that there are two basic questions to which clear-cut answers are indicated. Matters such as the right to give consent seem subsidiary to those questions. The first question is whether article I would prohibit a State party to the treaty from installing the prohibited weapons -- which in this case are nuclear weapons and other weapons of mass destruction -- in that band of the contiguous zone of another State party falling

(U Chit Myaing, Burma)

outside its territorial sea. That, I think, is the essence of the points made by the delegations of Japan and the Netherlands at our meeting on 14 October (CCD/PV.442, paras. 7, 20) and by the United Kingdom delegation at our meeting on 21 October (CCD/PV.444, paras. 67-69).

79. The second question is whether the prohibition on third parties in that outer band would be total, covering not only the prohibited weapons but all military activities. That, as I understand it, is the essence of the suggestion — or rather the obverse of it -- which was first put forward by the Swedish delegation at our meeting on 24 July (ENDC/PV.422, paras. 40-44) and repeated at our meeting on 16 October (CCD/PV.443, paras. 8 et seq.). The representative of Italy also touched on this question in his statement at our meeting on 9 October (CCD/PV.441, para.44).

80. It will be recalled that at our meeting on 21 October the representative of the United Kingdom suggested an imaginative formula to close the first of the two loopholes by simply putting the subject of article I, paragraph 1, into the singular rather than the plural (CCD/PV.444, para.69). Apart from the likelihood that the undertaking to be assumed under an article I so amended could conceivably raise some problems for parties which have no coastlines, I believe that the suggested alterations would adequately achieve their intended purpose of precluding any and every possibility of the emplacement by one party to the treaty of nuclear weapons within the limits of another party's contiguous zone. That would be fully in keeping with the correct spirit of the treaty and with the true purpose for which the contiguous zone is to be established.

81. As regards the second question, I fully support the solution proposed by the Swedish delegation: namely that the treaty text should explicitly state that the coastal State should have the exclusive right to military uses of the sea-bed within the twelve-mile contiguous zone, as well as exclusive rights and obligations as far as verification of the treaty provisions is concerned (ENDC/PV.422, para.49). Such a stipulation would not only allay the legitimate apprehensions of States which claim only a three-mile territorial sea, but also reassure States which have established a twelve-mile territorial sea that their co-adherence to a sea-bed non-nuclearization treaty along with States that only recognize a three-mile limit would in no way lead to situations affecting their sovereignty over the entire breadth of their territorial sea.

(U Chit Myaing, Burma)

82. May I now turn to the question of verification? I have listened with the greatest attention to the many interesting and deeply-thought-out suggestions made by various delegations for improving article III of the joint draft. In a very real sense those suggestions reflect the deeply-felt concerns and apprehensions of the smaller countries; and I feel that those concerns and apprehensions must be sufficiently allayed if the treaty is to receive the measure of world-wide adherence of coastal States necessary to make it meaningful. I therefore commend them to the co-Chairmen, and very much hope that they will take them fully into account in revising the provisions of article III.

83. In view of the number and range of those suggestions I find myself in the happy position of being required to make only some brief observations on the subject.

84. The primary function of verification is, of course, to ensure that treaty provisions are being observed by all parties: in this case, that no party to the treaty emplaces nuclear and other mass-destruction weapons on the sea-bed, on the ocean floor and in the subsoil thereof. As no country seems as yet to have developed its undersea technology to the level necessary to put nuclear weapons on the bottom of the sea it seems probable that at the time of the entry into force of the treaty, and perhaps for some time thereafter, we shall not be witnessing a great deal of activity on and under the high seas carried out for the explicit purpose of verifying compliance with treaty obligations. But as undersea technology develops, which could have both military and peaceful applications, the requirements as well as the possibilities of verification are bound to increase, and some form of international co-operation will then become necessary. We would accordingly like to see included in the treaty a clause looking to such an arrangement.

85. On the other hand, and notwithstanding what I have just said, something must be done from the outset to ensure that the rights of coastal States relating to their continental shelf will in no way be directly infringed or indirectly and progressively eroded through the operation of the treaty's verification provisions. Therefore article III should contain an affirmation, in explicit and unambiguous language, that verification procedures shall not be carried out on the continental shelf in a manner that could impair the rights of coastal States under the 1958 Geneva Convention on the Continental Shelf[4] and under existing international law. Additionally, the inclusion

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[4] United Nations Treaty Series, vol. 499, pp. 311 *et seq.*

(U Chit Myaing, Burma)

of a provision leaving the possibility open for coastal States to be associated with later-stage verification procedures on their continental shelf is clearly desirable.

86. I shall now conclude my statement by giving my full support to the suggestions made earlier by other delegations for the inclusion in the revised draft of a review provision. I would expect that this would take the form of the reinstatement of article III, paragraph 2, and article V of the United States draft (ENDC/249) in their appropriate places in the revised draft treaty.

87. Mr. BOZINOVIC (Yugoslavia): First of all, on behalf of my delegation I should like to congratulate the Soviet Union on its latest space experiment. Apart from our admiration for the bravery of the cosmonauts, we are convinced that this new success will be of great importance in conquering space for the benefit of mankind.

88. I should now like to join other members of the Committee in extending a warm welcome to the representative of Poland, Mr. Zybylski, who has returned to this Committee and to wish him every success in his work. I should also like to extend a warm welcome to Lord Chalfont, the leader of the United Kingdom delegation, who is not now to this Committee and whose experience and dedication to disarmament are well known and widely appreciated.

89. The Yugoslav delegation is grateful that the two co-Chairmen have been able to reach agreement on a joint proposal for the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the seabed and the ocean floor and in the subsoil thereof (CCD/269), and have submitted it jointly to this Committee "as a recommendation for discussion and negotiation in this Committee" (CCD/PV.440, para. 22) as the United States representative, Mr. Leonard, said in his statement on 7 October. It is in that sense and with that purpose that I wish to speak today on the joint draft treaty.

90. The draft treaty prohibits the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed. Our general aim, however, is to reach a more comprehensive prohibition of the use of the sea-bed for military purposes and to exclude that environment completely from the arms race in order to secure unhampered exploration and exploitation of its resources for the benefit of all countries. If the two co-Chairmen have come to the conclusion that it is not possible to reach agreement on a more comprehensive prohibition now -- and of that we remain unconvinced --, then it is indeed necessary to have some kind of firm orientation and commitment in this treaty that further efforts will soon be made in that direction.

91. There is such orientation in the third preambular paragraph and we welcome the inclusion of it. We would like to see in it a sign of the good will and readiness of the two co-Chairmen to begin negotiations in the near future on an extension of the prohibition to cover conventional weapons and structures also. We do not feel, however, that this intention has been expressed clearly enough, and therefore we would like it to be made more explicit. In order to strengthen that orientation and make it firm and more convincing it should also be inserted in the operative part of the treaty. The Swedish delegation has proposed a new paragraph in document CCD/271 which provides a good basis for a positive solution, and my delegation supports that proposal.

92. I shall now turn to article III, dealing with the problem of verification and inspection; but before commenting on the verification provisions I should like to stress that my country has never supported any tendency towards either over-emphasizing or under-estimating the importance of control relating to disarmament measures. In my statement of 4 September (CCD/PV.434, paras. 94-99) I presented our general view on the kind of verification we would like to see instituted, and suggested other means by which implementation of this treaty could be strengthened. Two weeks ago the draft treaty was submitted by the two co-Chairmen, and today we are in a position to deal with the verification issue in a somewhat more specific manner.

93. As has already been pointed out by many delegations, verification in general is of particular interest to many countries and is not the concern of the nuclear Powers only. It is the aspect of verification in the first place which points to the multilateral character of this treaty. A number of delegations have stressed that the problem of verification has not been solved in a satisfactory manner in the draft treaty and that article III is not sufficiently clear. The view has been expressed that verification could mean either full control or only the right of observation which already exists under international law. Some delegations have accordingly suggested that free access to the objects and installations which cause suspicion should be included in the draft treaty, with a provision that this should be preceded by consultations with the country concerned. My delegation shares that view.

94. Opposing views and arguments have been expressed by a number of delegations, including that of one of our co-Chairmen. In short, these views and arguments suggest that the present article III is sufficient for our present-day needs and that therefore no changes need be introduced. The arguments suggest, we hope rightly, that in fact there will be very few inspections requiring access. But there is also a tendency to conclude on that basis that therefore there is no need for a right of free access and international inspection.

95. We believe, on the contrary, that that very fact offers a convenient opportunity to begin introducing an adequate and effective system of control in which all or most of the countries would have complete confidence. That would certainly increase our experience of the system of international control, which we also need in relation to other, more complicated disarmament measures; also it would gradually strengthen international confidence.

96. I shall now pass to another aspect of this problem. It appears that at present only the big Powers are capable of carrying out verification and inspection procedures on the sea-bed. In an earlier debate in this Committee views were expressed in favour of providing assistance to those parties to the treaty lacking these capabilities. Provision for that has found its place in paragraph 2 of article III of the joint draft treaty, and we welcome it. However, we believe that that paragraph should be supplemented so that it stipulates the possibility of obtaining assistance directly or through the good offices of the Secretary-General of the United Nations. We suggest this small addition because we believe that in our efforts in connexion with disarmament we should address ourselves more often to the United Nations. That would strengthen the role of the United Nations -- which we should all like to see -- as well as the international character of this treaty.

97. Furthermore, the draft treaty does not foresee any possibility of the creation of an international control organization to verify compliance with the treaty. Earlier we expressed the view that the creation of such a separate international control organ now would obviously be irrational and unnecessary. However, we should not view this treaty as static, and without proper perspective. That is why we believe that it would be useful if the idea of control through an international organ were introduced into the treaty as an aim for the future. It should be relatively easy to incorporate it in this article.

98. The question of verification on the continental shelf in our view merits particular attention. A number of smaller countries, including my own, would like to have a somewhat stronger feeling of certainty that rights granted to them through the norms of international law would in fact be observed. In the case of the draft treaty on the sea-bed there should be no serious obstacle to that. It could be done by securing the right of participation or association for the country on whose continental shelf the verification was to be exercised, if it so desired. A suggestion for a possible solution has been made by the Canadian delegation in sub-paragraphs 6(a) and (b) of its working paper (CCD/270). We hope this suggestion will be considered with the careful attention it deserves. Here again I considered it appropriate to point out that such participation should by no means represent any limitation of the existing rights under international law of the country desirous of exercising the right of verification.

99. In my statement on 4 September I suggested the introduction of an obligation on the parties to the treaty to make public all events and activities noticed on the high seas which might be contrary to the aims of the treaty, as well as an obligation in the treaty to communicate all results of any verification carried out to the United Nations Secretary-General for the information of all signatories to the treaty (CCD/PV.434, paras. 98, 99). The language of a new paragraph corresponding to these two suggestions might be on the following lines:

> "Each State party to this treaty undertakes to inform the Secretary-General of the United Nations of any such event or activity as might be contrary to the strict observance of this treaty, as well as of the results of the verification if and when undertaken."

100. There is no indication in the joint draft of the way to resolve disputes in the case of their occurrence in connexion with the verification procedure. We do not believe it to be necessary to proceed now to the elaboration of a system for that purpose; at this stage that is perhaps unnecessary. However, what should be introduced into the treaty is that, in the case of failure of interested parties to agree on verification or of failure to remove suspicion, the country or countries initiating the action should address themselves to the other parties to the treaty through the United Nations Secretary-General, or to the appropriate international organs. I think a similar solution can be found in the outer-space Treaty (General Assembly resolution 2222 (XXI), Annex).

(Mr. Božinović, Yugoslavia)

101. An obligation to hold a review conference is also missing from the joint draft. Like many other delegations, we hold the view that such an obligation -- in the sense of article V of the United States draft treaty of 22 May (ENDC/249) -- should be reintroduced.

102. The procedure for amending the treaty as stipulated in the joint draft gives special rights to nuclear Powers. We also fail to see the reason for such a practice in international agreements and international relations in general. In relation to the question of a veto, we welcome the statement of the leader of the United Kingdom delegation, Lord Chalfont, on 21 October concerning the position of the United Kingdom (CCD/PV.444, para.79). The delegation of Japan has proposed (CCD/PV.442, para.11) a solution on the lines of article XV of the outer-space Treaty. We regard it as a useful proposal which should be considered with the greatest attention.

103. In the course of the debate mention has been made of possible uncertainties and a kind of "gap" between the territorial waters and the twelve-mile zone. In that connexion views have been expressed on the right to emplace nuclear weapons within that area. On several occasions the representatives of Yugoslavia in the United Nations have expressed its view on what Yugoslavia considers to be a proliferation of nuclear weapons. I should like to reiterate that any emplacement of nuclear weapons within that area, or within any area in which they have not been placed before, represents a proliferation of nuclear weapons. There is no doubt that in the interest of every country such proliferation should not take place.

104. As can be seen, our remarks, as well as those of many other delegations, tend to bring about certain improvements or clarifications to the submitted joint draft without changing anything in its essence or its conception. I believe that such an approach will facilitate the further work on the treaty, and we hope the co-Chairmen will not have many difficulties in accepting the substance of our proposals and suggestions.

105. We have proposed to channel certain activities through the United Nations, which has paramount responsibility for maintaining international peace and security. Our suggestions are intended not to diminish or limit any existing rights of countries but to strengthen the feeling of smaller countries that their rights within the existing norms of international law will remain unaffected.

106. Before I end my statement, let me point out again that, without belittling the positive effects of the proposed treaty, we consider it to be a limited step, a non-

armament measure, which is not one of the priority issues either on the agenda of this Committee or facing the world. My delegation, fully aware of the place and relative importance of the issue, is interested in seeing the efforts concerning the sea-bed completed successfully and soon. We hope that this Committee will then turn to some long-awaited substantive disarmament measures. That is what is expected of this Committee; and in order to move ahead in the direction of general and complete disarmament we shall have to take up, without any delay, substantive disarmament measures. That will be harder than what we have been doing so far, but it is the only way if we as a Committee want to contribute to giving an adequate answer to the challenge of our times.

107. Mr. KHALLAF (United Arab Republic): At the outset of my statement I should like to extend our most cordial congratulations to the delegation of the Soviet Union on the latest and outstanding venture of the Soviet cosmonauts in outer space. We followed the deeds of the valiant men of the three Soyuz spacecraft with great admiration and interest and share the joy at the successful accomplishment of their mission as well as at their safe return to earth.

108. I should like, furthermore, to welcome back to our midst the new leader of the United Kingdom delegation, Lord Chalfont, who brings with him valuable experience, rich in matters relating to disarmament. My warm welcome goes as well to our old colleague, Mr. Zybylski of Poland, whose activities here we remember well.

109. It is with appreciation that the delegation of the United Arab Republic welcomes the tabling by the USSR and the United States of America on 7 October of their joint draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and ocean floor and in the subsoil thereof (CCD/269). There can be no doubt that this joint endeavour represents an important, though only partial, step towards achieving an end on which there is general agreement: namely to confine the use of the sea-bed and ocean floor to peaceful purposes only. As we see it, the treaty under discussion is of importance to all of us alike, the nuclear-weapon States as well as the non-nuclear-weapon States; for we all have a stake in eliminating from the sea-bed activities that could run counter to the peaceful exploitation of that environment. We furthermore understand that this joint draft clearly reflects the determination of the two super-Powers to work steadily towards

(Mr. Khallaf, United Arab Republic)

elaborating further and more perceptible restrictions on their nuclear striking capabilities. Indeed, it is perhaps this aspect of the draft under consideration which gives it particular importance; and it is with this in mind that I propose to set forth my Government's comments and suggestions thereon.

110. Let me begin by giving our assent to the preambular part of the draft treaty. We have taken due note of its last paragraph, which refers to the conviction of the States parties to the treaty that it will -

> "... further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas."

We welcome such a reference and understand it to mean that it is not intended to give the States parties to the treaty the right to emplace nuclear or other weapons of mass destruction on the sea-bed beyond the twelve-mile contiguous zone by invoking the right of self-defence. We would like the two co-sponsors of the draft to confirm this our understanding.

111. My next comment concerns the scope of prohibition. The proceedings in the Conference so far clearly show that a large number of delegations have expressed their preference for the treaty to encompass prohibition of both weapons of mass destruction and conventional weapons. Many of these delegations, including that of the United Arab Republic, adopted at the same time a rather realistic and flexible attitude allowing for some exceptions to this basic stand. However, it now seems that both the USSR and the United States of America have found it impossible, at least for the present, to reach an agreement on complete demilitarization, nuclear and conventional. The draft tabled thus confines itself to the prohibition of nuclear and other weapons of mass destruction, a measure on which there has never been disagreement within the Conference.

112. While not in the least belittling the merits of that article, we cannot help thinking that in order to satisfy expediency substance has to a certain extent been sacrificed. However, my delegation notes with satisfaction that, in clear recognition of the importance of the banning of the conventional arms race from the sea-bed also, the two co-sponsors have included in the third preambular paragraph an expression of the determination of the States parties to the treaty to continue negotiations concerning further measures leading to that end. We fully acknowledge the utility of that paragraph. Yet we share the feeling that, confined as it is to the preambular part of the treaty, its content is thus weakened in its efficacy as well as in the obligatory weight it should carry.

113. In our view the treaty must include a clear and unequivocal undertaking to continue negotiations in this field. That has been done previously, and I would point to article VI of the non-proliferation Treaty (ENDC/226*). The delegation of the United Arab Republic therefore supports the initiative taken by Sweden at our 443rd meeting in submitting a working paper (CCD/271) comprising suggestions for an article on those lines; and we strongly urge the co-sponsors of the draft to respond positively to that view.

114. Turning now to the scope of prohibition, we observe that it applies to "any objects with nuclear weapons or any other types of weapons of mass destruction". This raises a delicate issue which has been brought up time and again in this Conference, especially during the negotiations on the non-proliferation Treaty: namely, that of nuclear explosive devices other than nuclear weapons. Is it the intention that those devices should be exempted from the ban? And, if so, how is it proposed that we differentiate between a nuclear weapon and other nuclear explosive devices that might find their way to the sea-bed? For logical reasons, and in order to keep the sea-bed completely denuclearized in the full sense of the word, I would suggest that we follow here the same course as we did in connexion with the non-proliferation Treaty and include a reference to the banning of other nuclear explosive devices in article I too.

115. Connected with that is the issue of peaceful nuclear explosions on the sea-bed and in the subsoil thereof. The representative of the United States, Mr. Leonard, informed the Conference on 7 October that "The prohibitions of the treaty are not intended in any way to affect the conduct of peaceful nuclear explosions ..." (CCD/PV.440, para. 26). Once more we come up against the formidable barrier of how to distinguish a nuclear explosion for purely peaceful purposes from one that aims at securing military advantages. As a matter of fact there could well be explosions that could serve the two purposes at one and the same time. It stands to reason, therefore, that the conduct of peaceful nuclear explosions in this environment should be deferred until such time as we have been able to find an acceptable solution to that problem and one which would provide a criterion whereby one type of nuclear explosion could be clearly differentiated from the other.

(Mr. Khallaf, United Arab Republic)

116. Related to that is the fact that article I, paragraph 1, of the joint draft bans from the sea-bed "structures ... or any other facilities specifically designed for ... testing ... such weapons". In our view that article adds a new environment to those already covered by the partial test-ban Treaty (ENDC/100/Rev.1); since, if no structures or facilities for testing nuclear weapons on the sea-bed are permitted, then testing proper is ruled out. In our view we would be well advised, therefore, not purposely to leave a loophole of that magnitude in the treaty now under consideration whereby military tests could be carried out under the guise of peaceful explosions. We urge the two co-sponsors to give this important matter the most serious reconsideration.

117. I should like now to comment on the proposed zone of prohibition. That zone is not directly delimited in the draft, as one would naturally and logically expect. Instead, reference is made to the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone[5]. The same pattern is followed in article II, paragraph 1, where the question of how to measure the limit of that zone is dealt with and where, moreover, it is specified that it should be done in accordance with international law. We wish to point out in this connexion that neither the previous Soviet draft (ENDC/240) nor the previous United States draft (ENDC/249) included a reference to the 1958 Geneva Convention.

118. Whatever the reasons that led to the presentation of such an unusual approach, it must be recognized that to refer in a treaty to another treaty might raise many problems of a legal and a practical nature. Such problems were pointed out this morning by the representative of Argentina and earlier by several other representatives. Thus while seeking to avoid certain difficulties we would in fact be creating new ones. Indeed, each and every treaty has its purpose, its essence, its nature and, as a matter of fact, its very own life, which develops as time goes by independently of that of other treaties. One might ask, for example, what would happen to our treaty were the provisions of the Convention regarding the maximum contiguous zone or the way it is to be measured amended, or if we came up against a variety of applications and interpretations of those provisions; or if and when the 1958 Convention expired for one reason or another.

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[5] United Nations Treaty Series, vol. 516, pp. 205 et seq.

119. Moreover, one has to take into account that some of the States which would become parties to the sea-bed treaty might not be parties to the 1958 Geneva Convention. In that case it is to be feared that in the circumstances their adherence to the sea-bed treaty could imply their tacit submission to the relevant provisions of the 1958 Convention, which might, indeed, be counter to their very wishes. It could be argued here, of course, that the relevant provisions of the Convention are applicable solely for the purpose of this treaty and do not go beyond its present nuclear scope. However, I observe that this understanding has been only partially and insufficiently reflected in the draft, namely at the beginning of paragraph 1 of article II, while it is missing altogether from article I.

120. For those reasons my delegation would prefer to have spelt out directly and clearly the width of the zone beyond which the prohibition applies as well as the way that width is to be measured. Should this prove to be unacceptable, my delegation would insist on the insertion in the treaty of a provision stipulating that the reference to the 1958 Convention is solely for the purpose of the prohibition of nuclear weapons from the sea-bed and ocean floor.

121. Before ending my comments on this point I should like to refer briefly to a suggestion made by the representative of Japan, Mr. Nakayama, at our meeting on 14 October that, where the coasts of two States are opposite or adjacent to each other and the distance between the coastlines of each of the two States is less than twenty-four miles, the whole area should come under the prohibition of the treaty (CCD/PV.442, para. 8). While we appreciate the motives behind that suggestion, nevertheless we can hardly agree to it. Indeed, it might engender many problems, such as problems related to sovereignty, security and verification.

122. I now come to the provision contained in article II, paragraph 2, which is intended to safeguard the rights of and claims by States parties to the treaty relating to waters off their coasts or to the sea-bed and the ocean floor. Let me say immediately that my delegation welcomes this provision. Yet, incorporated as it is in the aforementioned paragraph, one might be led to think that it is directly and solely linked to paragraph 1 of the same article and that its effect is thus intended

to be limited to the question of how to measure the outer limit of the contiguous zone. As we understand it, however, that provision is general in character and is expected to apply to the treaty as a whole. We should therefore like to suggest that paragraph 2 should become a separate article, thus lending more impact and range to its provision.

123. I now come to article III, which has the merit of flexibility, at least in some respects. The gist of this article is the issue of verification. On the face of it, the provision in the joint draft is to be preferred to mere mention of the right to observe, or even the right of access, on the basis of reciprocity only, as was stipulated in previous drafts. But a thorough study of the joint draft quickly brings us to the conclusion that it merely mentions the right of verification without delimiting its content. Thus the right of access has been excluded and the right of verification deprived of its real content. Mr. Leonard confirmed this on 16 October when he said that -

> "... when the United States delegation refers to the right of access we mean the right to go into a facility or the right to open up a piece of equipment. When we say that such access is impractical and unnecessary, we are not referring to access in the sense of ability to go close to the object or facility in question. In other words, in one sense access would be permitted: that is, under the freedom of the high seas parties could have access -- close access -- to the area of a facility or an object, so long as there was no interference with the activities of the States concerned."
> (CCD/PV.443, para. 63)

124. Thus we are now seemingly faced with two types of access: one, close access, that is, within a certain distance from the installation; and the other, access into the installation proper. The first type is acceptable to Mr. Leonard, the second type is not, as in his view the latter not only would be impractical and unnecessary but could be difficult, hazardous and costly as well as destructive of both property and human life. To that we would say that there is no difference between close access and observation which, in this Conference, was not deemed by many delegations to be sufficient or satisfactory for the proper implementation of the right of verification.

125. Let me state clearly that my delegation does not insist on access for its own sake but only as an adequate means of verification. It is therefore not sufficient to be

told that access is impractical and unnecessary. Even assuming that were so, the need would still remain for means whereby countries could put their minds at rest. Observation by itself is just not sufficient. In spite of the explanations given, observation remains something which would produce modest results. Furthermore, let us remember that even observation could be hampered in more than one respect.

126. Moreover, it is quite certain that States parties to the treaty would not avail themselves of the right of access in a manner detrimental to the safety of the installation and human life. I am sure agreement could be reached whereby both property and human life could be satisfactorily protected during access. There can be no doubt that the unconditional and *a priori* rejection of access proper, without its replacement by some other adequate measure, forms a serious limitation to the exercise of the right of verification.

127. Therefore we consider this particular aspect of the verification issue of such importance that we would not want to see it postponed to an eventual review conference. In our view, the content of verification must be defined here and now.

128. I should now like to turn my attention from the content of verification to the way in which it is proposed it should be implemented. Article III, paragraph 1, stipulates that verification should be carried out without interfering with activities or otherwise infringing rights recognized under international law, including the freedom of the high seas. Understandable as this provision is, does it not tend to favour from the very outset the technologically-advanced States? One becomes even more alarmed on hearing Mr. Leonard say that "the provision does not imply ... any obligation to disclose activities on the sea-bed that are not contrary to the purpose of the treaty." (CCD/PV.440, para. 32)

129. It is clear that in this provision a proper balance simply does not exist between the rights and obligations of all parties -- that is, the prospective complainant States on the one side and those that might come under suspicion on the other. Indeed, it is quite obvious that the complaining State is left in a position of weakness *vis-à-vis* the suspected State, which could procrastinate at leisure in the removal of doubt by invoking the contents of this paragraph. This is a situation that must be remedied, and we do not doubt that the two co-sponsors can restore a more equitable balance of overall rights and obligations.

130. Of course we welcome paragraph 2, whereby the right to verification may be exercised by any State party to the treaty alone or with the assistance of any other State party thereto. We had hoped that the possibility of carrying out verification by an appropriate international agency or arrangement, whenever that became feasible, might somehow be reflected in the draft. It seems that agreement on this point has proved difficult so far; but we have not given up hope that such an arrangement may eventually be realized.

131. Moreover, we observe that the joint draft remains silent as to what is to be done when suspicions have grown strong or when a violation seems beyond doubt. To fill that lacuna we suggest that a suitable provision be included in the treaty to cover the possibility of recourse to the Security Council.

132. Before ending my comments on article III, I should like to point out that it also provides for consultation and co-operation with a view to removing doubts. Although this provision may be of some benefit, nevertheless we believe that on practical grounds we should not overestimate the service it could render, especially in circumstances where relations between States do not allow for its normal implementation.

133. My next comment concerns article IV, according to which amendments shall enter into force upon their acceptance by a majority of States, and so on. We are not clear about the exact meaning of the term "acceptance" in this context. We notice that this provision was modelled on paragraph 2 of article II of the partial test-ban Treaty where, however, the deposit of instruments of ratification and not mere acceptance is necessary for the amendments to enter into force. To our mind the term "acceptance" is vague, and we would prefer to see it changed to a more precise one.

134. In the same article we observe there is reference to "States which possess nuclear weapons". We should like to ask what exactly is meant by the word "possess" here. In order to avoid all ambiguities we would prefer the use of the words "nuclear-weapon States". This would be more in keeping with disarmament phraseology.

135. Finally, we share the view that a provision should be inserted in the treaty stipulating the convening of a review conference. This is indeed necessary because of the probable progress of technology in this new environment.

136. Those are the comments and suggestions my delegation puts forward to the Committee on the joint draft treaty. We have done so with a view to strengthening the treaty and clarifying its issues. My delegation reserves the right to intervene in the discussions whenever necessary.

137. **The CHAIRMAN** (Nigeria): Speaking as the representative of Nigeria, I should like first to join those members of the Committee who have spoken before me in expressing admiration for the latest Soviet space exploit. It was a remarkable technological feat, and I should like to request Ambassador Roshchin to transmit to the Government and people of the Soviet Union our hearty congratulations.

138. I should also like to welcome the return of Lord Chalfont to this Committee as the leader of the United Kingdom delegation. His valuable contribution to the debate at the meeting on 21 October (CCD/PV.444) was indeed in keeping with the tradition he set in the past, and we are sure that he will enrich the work of this Committee with his experience and capability.

139. I also wish to welcome the leader of the Polish delegation, Mr. Zybylski, who again is not a new member of this Committee. We look forward to the contributions which we are sure he will make to the work of this Committee.

140. May I now turn to the substantive question of a sea-bed treaty? My delegation appreciates the efforts the co-Chairmen have put into negotiating the bilaterally-agreed draft treaty we have before us on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269). In view of the known differences in the initial positions of the co-Chairmen, the negotiations have been long and obviously arduous. The decision of the co-Chairmen to postpone the adjournment of this Committee in the hope that an agreement would emerge was therefore not only courageous but also indicative, I think, of their earnest desire to see some progress in disarmament, however marginal. The political will to reach agreement on the demilitarization of the sea-bed shown by the co-Chairmen augurs well for the future. I only hope that they will bring the same earnestness and conciliatory spirit into play when in due course we resume our debate and negotiations on the more substantial and urgent aspects of nuclear disarmament.

(The Chairman, Nigeria)

141. Mr. Kolo, on 15 May (ENDC/PV.411, paras. 16 et seq.) and on 21 August (ENDC/PV.430, paras. 41 et seq.), presented the views of the Nigerian delegation on the various aspects of a treaty to prevent an arms race on the sea-bed. While he indicated, among other things, our preference for the banning of all military installations outside a prescribed zone, he also conceded to coastal States the right to install weapons of a purely passive defensive character beyond that zone. The views of the Nigerian delegation have not changed from those enunciated by Mr. Kolo.

142. I observe, however, that the draft treaty presented by the co-Chairmen limits prohibition to nuclear weapons and weapons of mass destruction. How, I ask, can we be expected to accept such a treaty enthusiastically? First, it merely curbs the nuclear arms race on the sea-bed but does not prevent it -- in the sense of stopping it --, while it leaves the race in non-mass-destruction weapons free for all. Secondly, such an agreement can only be of significance to the nuclear Powers, since we, the non-nuclear Powers, and particularly those of us who have signed and ratified the non-proliferation Treaty (ENDC/226*), have already undertaken through that treaty not to acquire or manufacture nuclear weapons. Therefore, while the draft treaty may impose some new but limited obligations on the nuclear Powers in respect of a nuclear arms race on the sea-bed, it merely reiterates, as it were, the more profound obligations of the non-nuclear Powers. In spite of this being our position, the Nigerian delegation, in a spirit of co-operation and the belief that a limited prohibition treaty is better than no treaty, is prepared to accept the limited prohibition of the draft treaty if it is the consensus of opinion of the members of this Committee that we should do so.

143. However, before I proceed to discuss the substantive provisions of the draft treaty I would like to touch upon another concept which we think should have found a place in the draft. Since the scope of prohibition in the draft has been restricted to nuclear weapons and weapons of mass destruction, the need for a "security zone", as proposed by the representative of Canada, Mr. Ignatieff, in his speech on 31 July and subsequently supported by the delegations of Ethiopia and Nigeria among others, comes into sharper focus. According to this proposal a zone should be created -

> "... extending from the outer limits of the twelve-mile coastal band in which the coastal State would enjoy preferential defence rights, it being clearly understood that all the prohibitions agreed to under the sea-bed treaty ... would apply within this zone." (ENDC/PV.424, para. 23)

Such a provision, it was ably argued, would take care of the legitimate security interests of coastal States.

144. Speaking further on this subject, Mr. Ignatieff aptly remarked:

> "These considerations /relating to the creation of security zones/ would appear particularly important if the prohibition eventually agreed to were restricted to nuclear weapons and weapons of mass destruction. In that event, if provision were not made for a coastal State security zone along the lines of the Canadian proposal, foreign States would be permitted to install even offensive conventional weapons on a relatively permanent basis immediately beyond the limits of the defined narrow coastal band." (ibid., para. 24)

To us this reasoning is in itself unassailable; but more than that, as I will show later in this statement, the Canadian concept of a security zone may go a long way towards satisfying, if not obviating, some of the problems raised by the co-Chairmen's draft with regard to the rights of coastal States, particularly on their continental shelves.

145. Having commented on the unfortunate limitations and omissions of the draft treaty, I wish now to express our reactions to some provisions of the text itself. As I have already stated, the Nigerian delegation would prefer a treaty providing for a comprehensive prohibition of military weapons. However, since the draft treaty before this Committee does not go so far, we welcome the third preambular paragraph, which not only recognizes the proposed treaty as constituting a step towards the exclusion of the sea-bed from the arms race but also proclaims the determination to continue negotiations towards that end. To us the proclamation regarding further negotiations is indeed an important one and a redeeming feature, if I may say so, of a treaty which is otherwise unduly limited in its scope of prohibition. While we trust the good faith of all prospective signatories of the treaty, we would support the proposal of the Swedish delegation (CCD/PV.443, paras. 9 et seq.) that this solemn obligation be afforded a more legal and binding force by being embodied in the substantive paragraphs of the treaty.

146. I believe that the explicitness of the provisions of a treaty enhances the understanding of the full implications of the treaty and promotes the prospects of its wide acceptance. The references to the 1958 Geneva Convention on the Territorial Sea

and the Contiguous Zone[6] in articles I(i) and II(i) are, we believe, rather devious ways of stating the limit of the area beyond which the prohibition contained in the draft treaty should apply and the method of measurement. With regard to the zone limit, the co-Chairmen have said in their respective statements (CCD/PV.440, paras. 11-12, 30) that it is twelve miles. One wonders why the draft treaty has not explicitly mentioned that distance instead of merely referring to the provisions of the 1958 Geneva Convention. I cannot think of a cogent reason.

147. In any case, we consider that the two articles of the draft treaty as they now stand may raise some problems, legal and otherwise. What will be the legal position of signatories to the prospective sea-bed treaty which are not signatories to the Geneva Convention? It may be argued, and rightly too, that in the context of the draft treaty the Geneva Convention is no more than a reference document and does not imply its acceptance by those who have not accepted it. However, the interpretation of the Geneva Convention lies primarily, I think, with its signatories; and it is not inconceivable that its provisions may even be amended by them. In the latter situation, what happens, I may ask, to our sea-bed treaty?

148. In short, my delegation believes that the zone limit and the method of its measurement should be spelt out in a sea-bed treaty which, apparently, may attract more signatories than has the Geneva Convention. It also seems to me that the view of the delegations of the Netherlands, Japan, Sweden and other States that article I does not make it clear, particularly for those coastal States which do not claim territorial waters as wide as twelve miles, that only the coastal State can emplant or emplace weapons of mass destruction in its contiguous zone is a corollary of the reservations I have made about tying certain aspects of the draft treaty too closely to the Geneva Convention.

149. I now come to the question of verification, which to us and to most of the delegations here is the most important. It is true that considering technological capabilities the draft treaty is, by its nature, the primary concern of the nuclear Powers. Be that as it may, the fact remains that any treaty that may be agreed is supposed to be of general application. We in this Committee have learnt from experience, I believe, that however high or even hypothetical the technological requisites for a weapon system may be, the question of verification procedures will always be a knotty one.

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[6] United Nations Treaty Series, vol. 516, pp. 205 et seq.)

That is so primarily because every signatory to a proposed disarmament treaty would wish to be assured that whatever was agreed would be complied with. Starting, therefore, from the principles of general applicability and credible compliance, and recognising the different levels of technological knowledge, it should be obvious that to ensure general acceptance any control procedure must adapt itself, as among States, to the highest common factor of technological knowledge and capability.

150. I am afraid that verification as provided for in article III of the draft treaty does not seem to give recognition to that logic. To us, article III of the draft treaty seems not only to be nebulous and open to different interpretations but to be tailored to fit a high level of technological capability which only the two super-Powers, perhaps, possess. Otherwise, what do we make of a provision which speaks of the right to verify without defining it; which relates that right to another set of rights recognized under international law, including the freedom of the high seas? What precisely are those rights "recognized under international law", and how do the "freedoms of the high seas" relate to verification on the sea-bed? The apprehensions raised by those uncertainties regarding article III are confirmed when one reads the article in conjunction with the statement of the United States representative that -

> "... the provision does not imply the right of access to sea-bed installations or any obligation to disclose activities on the sea-bed that are not contrary to the purposes of the treaty." (CCD/PV.440, para.32)

What right of verification are we left with if there is neither the right of access as such nor the obligation on the suspected party to disclose his activities?

151. In spite of the other deficiencies of the draft treaty we believe that even outside this Committee it will stand or fall on whether the provisions for control are effective and reliable. We of the Nigerian delegation believe that mere observation, as the co-Chairmen seem to propose in their draft treaty, is not adequate and will not win the confidence or support of many States. Perhaps it is adequate for the super-Powers, with their technological capability; but it is, I am sure, inadequate for and unacceptable to those of us who are not fortunate enough to share their technological ability. As I have said, the verification provision of a sea-bed treaty, like any other provisions relating to disarmament, not only must be credible but also must appear to be so. It must therefore ensure investigation beyond mere observation.

It must protect and guarantee the rights of all, irrespective of the individual capability to do so, and provide for international machinery for resolving disputes, particularly in a world in which there is such a big gap in relative power.

152. That is why my delegation is grateful to the Canadian delegation for its working paper (CCD/270), which defines the right of verification, clarifies the procedure for exercising it, protects the rights of coastal States and prescribes machinery for the settlement of disputes. We fully support the paper, and we commend it to the Committee for the most serious consideration.

153. Before I end this part of my statement I should say explicitly that we see no objection to the provision in paragraph 5(a) of the Canadian paper for the option of recourse to the Secretary-General of the United Nations in seeking assistance from a third party for verification. In that connexion it should be noted that the same paragraph provides for the bilateral arrangement of assistance. Apparently, therefore, the option of recourse to the Secretary-General of the United Nations is intended to serve those who, for political or other reasons, are unable or unwilling to arrange for verification assistance bilaterally. It is pertinent to note here that, since the Secretary-General is not in a position to undertake verification directly, it goes without saying that he would have no alternative but to approach one or other of those Powers with which direct bilateral agreement could have been entered into by the party concerned. In all sincerity we find ourselves unable to appreciate the objection of the United States representative to any "explicit provisions for United Nations participation in ... verification ..." (CCD/PV.443, para.76).

154 In regard to article IV my delegation agrees with the delegations of Italy, Canada and Japan, and others, that the power of veto on amendments conferred on the nuclear States is, to say the least, inappropriate and unnecessary. We also support those who have suggested the inclusion of a provision for a review conference, as appeared in the initial United States draft (ENDC/249, article V). While such a provision should not be regarded as a substitute for immediate substantive amendments, it would surely introduce a desirable flexibility into the treaty which would ensure the possibility of periodical amendments in the light of future technological development.

155. Before concluding my statement I should like to join those who have spoken before me in expressing the regret of my delegation that Dr. Protitch has had to leave Geneva for health reasons. We shall miss his good counsel and his friendly companionship. We wish him a speedy recovery and look forward to seeing him back at our next session.

156. **Miss AGUIRRE** (Mexico) (translation from Spanish): First of all, I should like to associate myself with those representatives who have welcomed to the Committee Lord Chalfont, the representative of the United Kingdom, and Mr. Zybylski, the representative of Poland. In view of the late hour I shall not repeat the well-merited words of praise addressed to them, but I should like to join in that praise.

157. Secondly, I should like to say a few words on behalf of the delegation of Mexico concerning the draft treaty before us (CCD/269).

158. I am aware of, and appreciate, the effort involved in arriving at a joint text such as that submitted by the co-Chairmen for the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof. This step is of great importance not only for the States which have submitted the draft but also for all the States of the world -- as can be gathored from the statements made by those who have spoken before me. Hence it has been necessary for my Government to undertake a careful study of all and every one of the provisions in the draft submitted for our consideration.

159. The shortness of the time available and the need for consultations on the matter between the competent authorities of my country have so far prevented us from expressing our views on the draft. The delegation of Mexico is therefore obliged to make a general reservation of its position and will be prepared to make known its views on the draft treaty in the forum of the United Nations, as well as its views on the important observations, suggestions and draft amendments made here by members of the Committee and, of course, on any which may be made by States which are not represented here but which also have responsibility for the conclusion of a treaty which is so closely connected with international peace and security.

160. The active participation of my delegation in the Committee's work demonstrates Mexico's interest in the matters discussed in this forum. Thus the reservation I have made is due solely to lack of time to undertake the careful study that an instrument as important as the proposed treaty requires. For the same reason this reservation also applies to the revised draft of which the co-Chairmen have informed us.

161. **Mr. KHATTABI** (Morocco) (translation from French): At this stage of our deliberations my delegation would like to make a few comments on the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269). First of all, however, I should like to say how happy we were to hear that this treaty text was drafted in an atmosphere of constructive discussion and that the work accomplished by the delegations of the Soviet Union and the United States to reach agreement on this subject was crowned with success. That is no doubt a sign of the good will which inspires the two major Powers on the long and difficult road to nuclear disarmament. We are gratified by this success through which we have received a text representing a solid basis for negotiation.

162. The principles of the United Nations Charter and the resolutions on disarmament adopted by the General Assembly impose on us the moral obligation to remain always attached to the principle of the use of the sea-bed and ocean floor beyond the limits of national jurisdiction exclusively for peaceful purposes. Therefore our objective must remain the non-utilization for military purposes of this environment and its complete demilitarization.

163. Even though this draft treaty only covers nuclear weapons and other weapons of mass destruction, we note with satisfaction the statement, at least in the preamble, that it constitutes a step towards the achievement of other major objectives. However, we believe it would be wise to insert in the operative part of the treaty a provision stating that efforts will be pursued with a view to a more general demilitarization of the sea-bed and the ocean floor. In this connexion the proposal submitted by the Swedish delegation (CCD/271) to add an article to the draft treaty seems to us to merit consideration. Moreover, we believe it would be useful to add at the end of the first preambular paragraph the following sentence: "In accordance with the principles and objectives set forth in General Assembly resolutions 2340 (XXII) and 2467 (XXIII)...".

164. According to the provisions of article I, paragraph 1, of the draft treaty the prohibition would apply to nuclear weapons or other weapons of mass destruction. It is obvious that the expression "weapons of mass destruction" includes for the time being nuclear, chemical and biological weapons; but we do not know what other types of weapons of mass destruction may be developed in the future. That is why, in the opinion of my delegation, it would be wise to clarify this point further by specifying in the text that the prohibition concerns nuclear weapons or other types of weapons of mass destruction which now exist or which may be developed in the future.

(Mr. Khattabi, Morocco)

165. Another point in article I relating to the scope of the prohibition which has attracted the attention of my delegation is that, according to Mr. Leonard's statement, "submarines would therefore not be violating the treaty if they were either anchored to, or resting on, the sea-bed" (CCD/PV.440, para. 25), and that the prohibitions of the treaty "are not intended in any way to affect the conduct of peaceful nuclear explosions ..." (ibid., para. 26).

166. Concerning submarines, the United States representative tried to dispel the doubt expressed by some delegations by saying on 21 October that vehicles carrying weapons of mass destruction would be covered by the treaty (CCD/PV.444, para. 137). As for the normal conduct of peaceful nuclear explosions, we should like to ask to what extent one can distinguish a military nuclear explosion from any other, and how one can verify whether an installation serves military or peaceful purposes. Furthermore -- and this was the subject of a comment by Mr. Eschauzier at our meeting on 14 October -- how is one to interpret article I of the Moscow Treaty of 1963 (ENDC/100/Rev.1), which bans all experimental nuclear-weapon explosions and all other nuclear explosions under water? In the view of my delegation there is every justification for the observation made by the Netherlands representative that "the present draft treaty would have no effect on the partial test ban embodied in the Moscow Treaty of 1963, which remains fully intact." (CCD/PV.442, para. 21)

167. Mr. Nakayama made two pertinent comments. In the first he pointed out that -

> "... paragraph 1 of article I of the draft treaty is ambiguous enough to lead to the possible misinterpretation that a State may emplant or emplace nuclear weapons on the sea-bed between three and twelve miles off the coast of any other State which adheres to the three-mile territorial sea limit." (ibid., para. 7)

That comment by the Japanese delegation, which has been taken up by other delegations, led to a suggestion by Lord Chalfont at our last meeting that the subject of the first article should be put into the singular so that it would read as follows:

> "Each State Party to this Treaty undertakes not to emplant or emplace on the sea-bed and the ocean floor and in the subsoil thereof beyond its maximum contiguous zone ..." (CCD/PV.444, para. 69)

We endorse this suggestion, because in our opinion it would dispel any possible misinterpretation of article I of the draft treaty.

(Mr. Khattabi, Morocco)

168. The second comment made by the representative of Japan relates to the case -

> "... which arises where the coasts of two States are opposite or adjacent to each other and the distance between the coastal lines of each of the two States is less than twenty-four miles." (CCD/PV.442, para. 8)

That comment, in our opinion, should be taken into consideration in a manner compatible with the rights, sovereignty and security of coastal States.

169. I shall now turn to article II of the draft treaty. We take a favourable view of paragraph 2 of this article, the main aim of which is to protect the rights of coastal States over their coastal waters and the sea-bed and ocean floor. However, we believe that it might be better if this paragraph took the form of a new article, to be inserted after the present article III in order to give greater force to this paragraph, which relates both to verification and to the geographical extent of the prohibition.

170. I now come to the question of verification, covered in article III of the draft treaty. We listened with great care to the statements and clarifications made on the subject by Mr. Roshchin and Mr. Leonard during the 440th and 443rd meetings, and to the comments of various other speakers who have spoken before me. It seems quite clear that this question of verification, which gives rise to much discussion and controversy and not a few misgivings, is closely connected in the first place with the willingness of the major nuclear Powers to respect the commitments they have accepted under international instruments such as the draft treaty now before us, and in the second place with the prevailing international climate.

171. We have no reason to question the willingness of the mahor nuclear Powers to respect the commitments they have accepted or will accept, and their intention to contribute to improvement of the climate of international relations. That is the very basis, if not the whole point, of all negotiations relating to disarmament, whether partial or complete. Otherwise no State, great or small, would be able to do anything to verify whether any particular weapons of mass destruction had been placed on the sea-bed and the ocean floor, even if the right of free access to inspect the accused installations were accepted and recognized.

172. After that remark which I have ventured to make in connexion with verification, I should like to say that, apart from the obvious ambiguity of paragraph 1 of article III concerning the "right to verify", which would be marked by the absence of an appropriate verification procedure, and if allowance is made for the rights existing under international law, including the freedom of the high seas, then this paragraph as drafted

seems to contain as much as can be achieved at the present stage of the technology of exploration of the sea-bed and the ocean floor. Mr. Leonard, in his statement on 16 October (CCD/PV.443, paras. 62 et seq.), argued in favour of exercise of the right of verification by observation of installations without interference, and by consultation and co-operation between States parties in the event of doubt. In the opinion of my delegation one must recognize that these arguments are very convincing and are based on realistic and practical considerations. Some of these arguments were developed by Lord Chalfont (CCD/PV.444, paras. 70-75) in a way that left no room for doubt concerning the validity of a system of verification based on observation and consultation.

173. With regard to paragraph 2 of article III of the draft treaty I should like to stress that the exercise of the right of verification with the assistance of any other State party, for which it provides, is a concept which is good and acceptable in principle, for it enables all States parties to exercise this right, including those which have not the necessary technological means for such verification. Nevertheless, in the present context of international relations the exercise of the right of verification with the assistance of another State party and without the intervention of the United Nations might in certain cases be incompatible with the line of political conduct chosen by several States vis-à-vis the blocs. I am thinking, of course, of most of the non-aligned countries.

174. My country attaches particular importance to the conclusion of a treaty that would make possible the exclusion of the sea-bed and the ocean floor from the arms race and the exploration and exploitation of that environment, which contains inexhaustible biological and mineral resources. Morocco, like other developing countries, cannot dissociate the problems of its economic and social development from the problem of disarmament. That is why we attach great importance to the preparation at this session of a broadly-agreed text on the denuclearization of the sea-bed, and we hope that once that stage is reached the 1970s can be proclaimed as the second United Nations development decade and, at the same time, as the international disarmament decade.

175. Before ending, may I, on behalf of my delegation, salute warmly the wonderful space exploit recently achieved by the Soviet astronauts on board Soyuz 6, 7 and 8? I congratulate our co-Chairman, Ambassador Roshchin, and through him all those who participated in the execution and success of that peaceful scientific exploit.

176. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): Permit me, as the representative of the Soviet Union, to thank the representatives of Mongolia, Pakistan, Yugoslavia, the United Arab Republic, Nigeria and Morocco for the kind congratulations which they have addressed to the Soviet Union on the successful accomplishment of the simultaneous flight of the three space-ships Soyuz 6, 7 and 8.

177. Mr. CARACCIOLO (Italy): Before closing our debate today, I should like to ask a question which has already been raised on another occasion but which to my knowledge has not yet received a precise answer. The question is, on what day is the revised draft text of the final report to be circulated? I think the question is relevant, because from what has been said I understand that we have exactly one week to go; and as far as my delegation is concerned we shall need a few days after the draft text has been tabled before we are able to express an opinion. I think this concern is shared by a certain number of other delegations; therefore I should like to ask the co-Chairmen if they would be kind enough to give us a precise answer to that question.

178. Mr. LEONARD (United States of America): The United States and Soviet delegations are well aware of the problem raised by the representative of Italy and they have been consulting intensively. I can say that we hope to provide the report to the Committee in the very near or even in the immediate future. I am sorry that I am not able to specify a time more closely than that.

179. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): I should like to assure the representative of Italy that the co-Chairmen are doing all they can to submit the report to the Committee as soon as possible. But we have to take into account the fact that the debate on the joint draft submitted on 7 October has, I take it, only just ended. Consequently we can only say that the report will be submitted as soon as possible.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 445th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. C.O. Hollist, representative of Nigeria.

"Statements were made by the representatives of Mongolia, Pakistan, Argentina, Burma, Yugoslavia, the United Arab Republic, Nigeria, Mexico, Morocco, the Union of Soviet Socialist Republics, Italy and the United States of America.

"The next meeting of the Conference will be held on Tuesday, 28 October 1969, at 10.30 a.m."

180. Mr. ORTIZ de ROZAS (Argentina) (translation from Spanish): Sharing the concern just expressed by the representative of Italy and noting that the communiqué plans our next meeting for next Tuesday, I take the liberty of suggesting to the co-Chairmen that, if the draft report is ready before then, they should take the necessary steps to convene the Committee perhaps tomorrow Friday or on Monday. In that way we shall make progress in our work, since the report must be very carefully considered by the Committee and at the same time we cannot delay its submission to the General Assembly of the United Nations.

181. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): The proposal made by the representative of Argentina will be examined by the co-Chairmen and, if they find it possible to convene the Committee before next Tuesday, they will have recourse to the help of the Secretariat in order to ensure the most productive, rapid and successful work possible.

182. Mr. LEONARD (United States of America): I should like to join in welcoming the suggestion made by the representative of Argentina, which the co-Chairmen will certainly bear very much in mind and make every effort to meet.

The meeting rose at 1.45 p.m.

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.446
28 October 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND FORTY-SIXTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 28 October 1969, at 10.30 a.m.

Chairman: Mr. K. AHMED (Pakistan)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430).

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PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS Mr. A.F. DUMONT Mr. O. SARACHO
Brazil:	Mr. S.A. FRAZAO Mr. P. CABRAL de MELLO Mr. D. NATARIO Mr. M. DARCY do OLIVEIRA
Bulgaria:	Mr. K. CHRISTOV Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF Mr. R.W. CLARK
Czechoslovakia:	Mr. T. LAHODA Mr. J. CINGROS
Ethiopa:	Mr. A. ZELLEKE
Hungary:	Mr. I. KOMIVES Mr. S. HAJNAL
India:	Mr. M.A. HUSAIN Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO Mr. F.L. OTTIERI Mr. R. BORSARELLI Mr. U. PESTALOZZA
Japan:	Mr. Y. NAKAYAMA Mr. T. SENGOKU Mr. J. SAKAMOTO

Mexico:	Miss E. AGUIRRE
	Mr. J. MERCADO
Mongolia:	Mr. M. DUGERSUREN
	Mr. Z. ERENDOO
Morocco:	Mr. A.A. KHATTABI
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Mr. C.O. HOLLIST
Pakistan:	Mr. K. AHMED
	Mr. S.A.D. BUKHARI
Poland:	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. B. WLAZLO
Romania:	Mr. C. GEORGESCO
	Mr. C. MITRAN
	Mrs. F. DINU
	Mr. F. ROSU
Sweden:	Mr. A. EDELSTAM
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. R.M. TIMERBAEV
	Mr. V.B. TOULINOV
	Mr. Y.C. NAZARKINE
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. Y. RIZK
	Mr. M. ISMAIL

United Kingdom:	Mr. I.F. PORTER Mr. W.N. HILLIER-FRY Mr. R. HOULISTON
United States of America:	Mr. J.F. LEONARD Mr. A.F. NEIDLE Mr. W. GIVAN Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. BOZINOVIC Mr. M. VUKOVIC
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Pakistan): I declare open the 446th plenary meeting of the Conference of the Committee on Disarmament.

2. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): The Soviet delegation considers that its duty is to inform the members of the Committee of the announcement made in Moscow and Washington on 25 October concerning the forthcoming Soviet-United States strategic arms limitation talks. The communication reads as follows:

> "Confirming the agreement reached earlier to enter into negotiations on curbing the strategic armaments race, the Governments of the Union of Soviet Socialist Republics and the United States have agreed that specially-appointed representatives of the Soviet Union and the United States will meet in Helsinki on 17 November 1969 for preliminary discussions on the questions involved."

3. In connexion with the agreement reached on the aforesaid negotiations between the Soviet Union and the United States, we should like to emphasize that the Soviet Union attaches great importance to steps aimed at curbing the strategic arms race. We express the hope that the forthcoming negotiations will contribute to solving an important problem of the present day, namely to put an end to the nuclear arms race. There is no doubt that if that arms race could be curbed, those who would benefit thereby would be not only the Powers possessing such weapons but all the States of the world, since international security would be greatly strengthened.

4. We note with satisfaction that this view is shared by the participants in the Committee on Disarmament, who in their statements have repeatedly stressed that the question of curbing the strategic arms race is of great importance from the point of view of solving other disarmament problems and improving the international atmosphere.

5. Mr. LEONARD (United States of America): I am pleased to join the representative of the Soviet Union in drawing the attention of this Committee to the announcement made on Saturday in Moscow and in Washington concerning the negotiations between our two Governments on curbing the strategic arms race.

6. In the course of our discussions at this session of the Committee, a number of delegations have commented upon the major positive significance which these bilateral talks could have. I am confident that my colleagues around this table are as pleased as is the United States delegation that the time and place for beginning those negotiations have now been fixed. This announcement signals an important step in the

field of disarmament, a field to which the members of this Committee have devoted and are continuing to devote their energy, their intelligence and, what is sometimes a particularly important quality, their patience.

7. The CHAIRMAN (Pakistan): With the permission of my colleagues, I should like to make a brief statement in my capacity as Chairman. I am sure that I am expressing the sentiments of all the members of this Committee in congratulating the Governments of the United States of America and the Soviet Union on their agreement to begin talks on 17 November in Helsinki on the limitation and reduction of strategic nuclear weapons.

8. As all of us know, many members of this Committee have expressed the hope that the two Governments concerned would enter into these talks at an early date. We earnestly hope that the talks will be successful and will lead to agreements that will reduce international tension and will remove the danger to mankind of the threat of a nuclear arms race. We hope that the Committee on Disarmament will be kept informed, as is appropriate, on the progress in the talks between the Governments of the United States of America and the Soviet Union.

9. Mr. IGNATIEFF (Canada): In these days when the Committee has been given to celebrating technological achievements in the heavens — and I take the occasion to associate myself with the admiration expressed here to our Soviet colleagues in regard to the recent exploits of the Soviet cosmonauts in their heavenly "troika" — it is indeed a pleasant change to mark such an outstanding achievement related to the efforts to control the ill effects of technology on earth in the common interests of all of humanity.

10. I agree with you, Mr. Chairman, that this occasion should not go unnoticed and I take pleasure in expressing on behalf of the Canadian delegation gratification that the nations represented here by our co-Chairmen have decided now on the time and the place for proceeding with these important talks. Their significance, as our co-Chairmen have stressed, can hardly be overestimated. The Prime Minister of Canada, opening a debate on national policy in the House of Commons on 24 October — that is, the day before this happy announcement — had this to say:

> "No single international activity rates higher priority, in the opinion of the Canadian Government, than the pursuit of effective arms control and arms limitation agreements. Canada refuses to submit without protest to the present

(Mr. Ignatieff, Canada)

nuclear hegemony. It is deeply concerned at the failure of important nuclear Powers — the Soviet Union, the United States, China and France — so far to ratify the non-proliferation Treaty[1/], article VI of which binds parties to negotiate in good faith on measures leading to the cessation of the nuclear arms race, to nuclear disarmament and to general and complete disarmament. At the same time that ratification is delayed, the development of multiple warhead rockets continues in two of these countries; a development which could make satellite inspection in verification of arms control agreements impossible. The world now stands at a crossroads which, if passed unwisely, could lead to the destruction of mankind."

11. I am sure that many millions of people not only in Canada but in other parts of the world feel a sense of relief that strategic arms limitation talks (SALT) are to begin and will follow the development of these talks with interest and concern, and with the sincerest wish for their success in what may be, as Mr. Leonard said, one of the most important steps in the direction of nuclear disarmament.

12. In conclusion, permit me to ask that, when considering the draft report which has been circulated and is now before us, the co-Chairmen, in addition to recording the fact that many members expressed the hope that these bilateral discussions should start at an early date, as they do on page 7 of that report, should at least consider adding a footnote to the effect that those talks were planned to start on 17 November.

13. Mr. PORTER (United Kingdom): On behalf of my delegation I should like to say how much we welcome the recent announcement on SALT: that specially designated representatives of the United States and the Soviet Union are to meet in Helsinki on 17 November for a preliminary discussion on the questions involved in the limitation of strategic arms.

14. We recognise of course that those talks are only a beginning, talks about talks, and that the negotiation proper will call for great patience from both participants and non-participants. But the outcome could affect the security of all of us. Much is at stake, and we wish the negotiations every success.

[1/] ENDC/226*

15. The CHAIRMAN (Pakistan): As representatives are aware, the revised draft report of the co-Chairmen was circulated yesterday. I understand that the co-Chairmen would like the report to be discussed and would prefer that to be done at an informal meeting when this formal meeting has ended.

16. Mr. CARACCIOLO (Italy): I wonder whether it might not be more useful, if there is to be a discussion, to hold it in an official meeting so that we shall not have to repeat what is said informally at a later formal meeting. I therefore suggest that we proceed with the formal meeting.

17. Mr. LEONARD (United States of America): I think that the suggestion of the representative of Italy is quite in order; but the co-Chairmen had thought that, since this report is a partial one of which a preliminary discussion is proposed, it would perhaps be preferable for that discussion to be informal and for the subsequent discussion which will obviously have to take place when the complete report is available to be held at a formal meeting, if delegations so wish.

18. The CHAIRMAN (Pakistan): If there are no objections, I take it that that suggestion is acceptable to the Committee.

19. I will now read the draft communiqé:

> "The Conference of the Committee on Disarmament today held its 446th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Kamaluddin Ahmed, representative of Pakistan.
>
> "Statements were made by the Chairman and by the representatives of the Soviet Union, the United States of America, Canada, the United Kingdom and Italy.
>
> "The next meeting of the Conference will be held on Thursday, 30 October 1969, at 10.30 a.m."

20. Mr. HUSAIN (India): I notice, Mr. Chairman, that you mention in the draft communiqué that the next meeting of the Committee will take place on Thursday. I am a little concerned to hear that, because last week we had the impression that the revised draft of the sea-bed treaty (CCD/269/Rev.1) would be available to us early this week. If the next meeting is to take place on Thursday, I do not see how we can

(Mr. Husain, India)

finish our work before 31 October. We are now about to discuss the draft report in informal meeting, and I would therefore be interested to know what the intentions of the co-Chairmen are, whether this matter is to be postponed until Thursday, and whether it is intended to sit beyond 31 October in order to conclude our work here.

21. Mr. PORTER (United Kingdom): I would like to support what my Indian colleague has just said; but I take it that, even if the communiqué refers to Thursday, that will not prevent a meeting being called for tomorrow, shall we say, if that is thought suitable.

22. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): I think that the best way we could choose at present in order to fix the procedure for our future work would be the adoption of the communiqué which has just been read out, but with the understanding that the members of the Committee will meet tomorrow if the co-Chairmen, through the Secretariat, request them to do so. We hope that the co-Chairmen will be able very shortly to submit a revised draft treaty taking into account the discussion that has taken place in the Committee. At the present moment it does not seem to us possible to say quite definitely that we shall be able to meet tomorrow. We should therefore like to ask the members of the Committee to be prepared to meet tomorrow if the co-Chairmen request them to do so.

23. Mr. HUSAIN (India): I am very grateful to Mr. Roshchin for indicating that we may have a meeting tomorrow and that the Secretariat will inform us about it. That discussion would relate to the revised draft of the sea-bed treaty.

24. I would now like to clarify the position with regard to the draft report, which we are going to discuss informally. At what stage will that report be discussed in formal meeting for adoption? Will that be before or after the discussion of the revised draft treaty, and when is it intended to produce the formal draft of the report following the informal discussion?

25. Mr. LEONARD (United States of America): The co-Chairmen feel that, if it were possible for us to have a meeting tomorrow at which the question of the sea-bed treaty would be further discussed, it would be appropriate to have a meeting on Thursday — which could be formal or informal as the members of the Committee might wish — for

a further discussion of the report. Of course the report would be circulated as a revised and complete draft in time to give the members of the Committee an opportunity to study it before the meeting on Thursday.

26. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): I merely wish to say that the final report should be adopted after the completion of the discussion on the draft treaty on the sea-bed. Before the completion of the discussion on that question, it seems to me that the Committee would not be in a position to adopt the final text of the report.

27. Mr. HUSAIN (India): In view of the clarification given by the co-Chairmen, I think that the time-table and procedure suggested, if adhered to, should do very well.

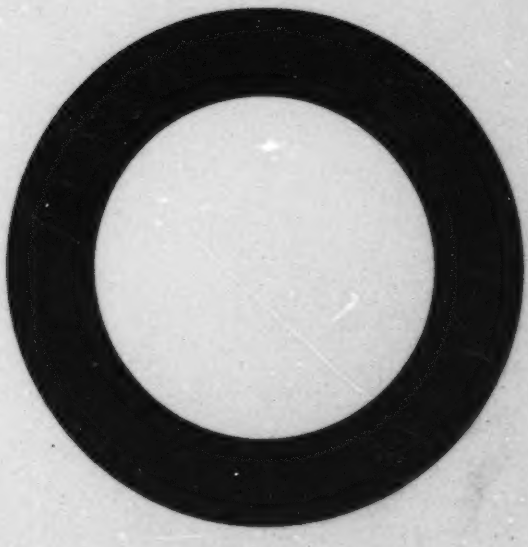
The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 446th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Kamaluddin Ahmed, representative of Pakistan.

"Statements were made by the Chairman and by the representatives of the Union of Soviet Socialist Republics, the United States of America, Canada, the United Kingdom, Italy and India.

"The next meeting of the Conference will be held on Thursday, 30 October 1969, at 10.30 a.m."

The meeting rose at 11 a.m.



CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.447
30 October 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND FORTY-SEVENTH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 30 October 1969, at 11.00 a.m.

Chairman: Mr. K. ZYBYLSKI (Poland)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430).

PRESENT AT THE TABLE

Argentina:	Mr. A.F. DUMONT Mr. O. SARACHO
Brazil:	Mr. S.A. FRAZAO Mr. P. CABRAL de MELLO Mr. D. NATARIO Mr. L.F. PALMEIRA LAMPREIA
Bulgaria:	Mr. K. CHRISTOV Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF Mr. R.W. CLARK
Czechoslovakia:	Mr. T. LAHODA Mr. J. CINGROS
Ethiopia:	Mr. A. ZELLEKE
Hungary:	Mr. I. KOMIVES Mr. S. HAJNAL
India:	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO Mr. F.L. OTTIERI Mr. R. BORSARELLI Mr. U. PESTALOZZA
Japan:	Mr. T. SENGOKU Mr. J. SAKAMOTO
Mexico:	Miss E. AGUIRRE Mr. J. MERCADO

DEPOSITORY

Mongolia:	Mr. M. DUGERSUREN Mr. Z. ERENDOO
Morocco:	Mr. A.A. KHATTABI
Netherlands:	Mr. H.F. ESCHAUZIER Mr. E. BOS
Nigeria:	Mr. C.O. HOLLIST Mr. L.A. MALIKI
Pakistan:	Mr. K. AHMED Mr. S.A.D. BUKHARI
Poland:	Mr. K. ZYBYLSKI Mr. H. STEPOSZ Mr. R. WLAZLO
Romania:	Mr. C. GEORGESCO Mr. C. MITRAN Mrs. F. DINU Mr. F. ROSU
Sweden:	Mr. A. EDELSTAM Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSCHIN Mr. R.M. TIMERBAEV Mr. V.B. TOULINOV Mr. Y.C. NAZARKINE
United Arab Republic:	Mr. H. KHALLAF Mr. O. SIRRY Mr. Y. RIZK Mr. M. ISMAIL

United Kingdom:	Mr. I.F. PORTER
	Mr. R.A. RIDDELL
	Mr. R. HOULISTON
United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. BOZINOVIC
	Mr. M. VUKOVIC
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. **The CHAIRMAN** (Poland): I declare open the 447th plenary meeting of the Conference of the Committee on Disarmament.

2. **Mr. LEONARD** (United States of America): On 7 October the co-Chairmen tabled the text of a joint draft sea-bed treaty (CCD/269) for the consideration of this Committee. The joint text was the result of long and involved consultations between the co-Chairmen and represented, we believe, a realistic basis for broad agreement. My delegation has appreciated the thoughtful comments that have been made by the members of the Committee during its discussion of the joint text.

3. We have noticed that the major concerns raised during these discussions have been in three areas. The first is the concern that the treaty should serve to protect the security interests of all the States parties to the treaty; the second is that, while protecting these security interests, the treaty should clearly reflect that it in no way prejudices or infringes existing rights recognized under international law, except for the limitations for arms-control purposes on activities falling within the scope of the treaty; and the third concern is that the treaty should contribute to further progress in the field of arms control.

4. In the light of these concerns, a number of delegations have made specific suggestions for improving the draft of 7 October, and several members of the Committee have introduced working papers and formal documents (CCD/270, 271). The co-Chairmen have carefully considered the various suggestions and proposed amendments. As a result, we are able to present today a revised treaty text (CCD/269/Rev.1), which is now before the Committee. In view of the importance which our delegation attaches to the changes that have been made in the revised text, I should like to discuss these changes in the context of the three areas of concern to which I have referred previously.

5. First, there is the concern that the treaty should serve to protect the security interests of all the parties. We have noted the statements made recently by the delegations of Japan, the Netherlands, Italy, Sweden, Poland, Pakistan, Burma and Morocco, and the specific recommendations of the delegation of the United Kingdom (CCD/PV.444, paras. 68, 69), which have all referred to a problem regarding the status of the zone, or "gap", lying between the outer limit of the maximum contiguous zone and the outer limit of claimed territorial seas which are narrower than twelve miles.

It has been rightly pointed out that the treaty does not clearly indicate whether the prohibition accepted by a party in article I applies in such a gap off the coast of another party, and that such uncertainty could raise serious security questions for those States concerned.

6. To eliminate this uncertainty, article I has been amended by the addition of a new paragraph 2 which states:

> "The undertakings of paragraph 1 of this Article shall also apply within the contiguous zone referred to in paragraph 1 of this Article, except that within that zone they shall not apply to the coastal state."

This language makes clear, in view of article 24 of the Geneva Convention on the Territorial Sea and the Contiguous Zone[1/], that the prohibition of article I, paragraph 1, applies to this "gap" between the territorial sea and the outer limit of the contiguous zone for all States except, of course, the coastal State. The previous paragraph 2 of article I has been renumbered paragraph 3.

7. Another problem relating to security interests has been reflected in the comments made by the delegations of the Netherlands, Bulgaria, Czechoslovakia, Italy, Poland, Ethiopia, Mongolia, Yugoslavia and the United Arab Republic, and in the working paper submitted by the delegation of Canada (CCD/270). I refer to the question whether article III should specify the possible recourse which parties would have if there were serious unresolved questions regarding fulfilment of the obligations of the treaty.

8. Several delegations suggested that the treaty would be strengthened if it made specific reference to the existing procedures by which States can bring serious matters to the attention of the Security Council. We believe that this is an important suggestion, since it would emphasize the seriousness with which States would view possible violations of the treaty and would clearly restate the right of parties to bring such questions before the Security Council. Accordingly we have added a second sentence to article III, paragraph 3, to read as follows:

> "In the event that consultation and co-operation have not removed the doubts and there is serious question concerning the fulfilment of the obligations assumed under this Treaty, States Parties to this Treaty may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council."

[1/] United Nations Treaty Series, vol. 516, pp. 205 *et seq*.

(Mr. Leonard, United States)

9. I would like to turn now to the second major area of concern, namely that the treaty should in no way prejudice or infringe existing rights recognized under international law.

10. A number of delegations have raised the question of how the treaty envisages the application of international law, including the 1958 Convention on the Territorial Sea and the Contiguous Zone. In this context, we have noted the views expressed by several delegations regarding the application of international law to the geographical area covered by the treaty. The United States delegation has not yet commented in detail in the Committee on the geographical coverage of the treaty, and I think it would be appropriate for me to do so now.

11. There are two provisions which together delimit the area of the treaty prohibitions so as to create balanced obligations among the parties. The rules adopted for defining the treaty area are widely-accepted international standards.

12. Article I, paragraph 1, extends the treaty prohibitions to the entire sea-bed and ocean floor "beyond the maximum contiguous zone provided for in the 1958 Geneva Convention ...". The maximum seaward limit of the contiguous zone provided for in that Convention is twelve miles. Under paragraph 1 of article II of the sea-bed treaty, the outer limit of this zone will be measured from baselines drawn in accordance with the provisions of section II of part I of the 1958 Convention and "in accordance with international law". This section of the Geneva Convention contains the detailed rules which are to be used to determine the baselines from which the twelve-mile zone is measured in most situations.

13. However, the provisions of section II of the Convention expressly do not apply to certain situations, such as "historic" bays. It was for this reason that the language "and in accordance with international law" was also included in paragraph 1 of article II of the treaty. In those situations where the section II rules are expressly inapplicable under the terms of the 1958 Convention, the rules of customary international law will govern the location of the baseline for the purposes of this treaty. Thus the twelve-mile contiguous zone would be measured from the closing line across an historic bay only if the waters were enclosed as internal waters in accordance with the rules of customary international law.

14. Now I would also like to emphasize that, although the treaty relies on the 1958 territorial sea Convention to define treaty baselines and the outer limit of the exempted coastal zone, this reference in no way implies that any party to the sea-bed treaty which was not a party to the 1958 Convention would find itself bound by or, so to speak, adhering to that Convention.

(Mr. Leonard, United States)

In other words, a party to the sea-bed treaty would accept only that the outer limits of the zone exempted from the prohibitions of the sea-bed treaty should be measured in accordance with certain rules in section II of the 1958 Convention. Therefore a party to the sea-bed treaty would not be accepting those 1958 rules for any purpose other than that of determining where the sea-bed arms-control treaty applied.

15. There is one other point I should like to touch upon in this connexion. That is the question of disputes regarding rights, claims and recognition or non-recognition of rights or claims affecting the law of the sea. As we all know, there are differing positions among States regarding, for example, such matters as the proper breadth of the territorial sea. I may state unequivocally that it is not the purpose of this treaty to settle such matters; nor is it the purpose of the treaty to give one State or another State or any group of States an advantage vis-à-vis any other State or group of States with respect to law-of-the-sea issues. That is why article II, paragraph 2, contains the best disclaimer clause that it has been possible for the authors of this draft to devise.

16. It would indeed be most regrettable if any countries considering this sea-bed treaty were to fail to accept the disclaimer clause as meaning just what it says. We are convinced that it is possible to negotiate and conclude a sea-bed treaty which establishes meaningful arms limitations but does not prejudice any State's position regarding law-of-the-sea questions. The disclaimer clause would in effect prevent any party from saying to any other party that acceptance of the treaty or any actions under it had somehow created or implied an acceptance of new or different positions regarding the law of the sea, except for the limitations for arms-control purposes created by the treaty itself. With that in mind I trust that it will be possible to refer in this treaty to "the freedoms of the high seas" without establishing or implying the precise boundary for the limits of the high seas.

17. I should like now to discuss the third major area of concern: that the treaty should contribute to further progress in the field of arms control. That concern has found expression in a number of proposals which I should like to discuss separately.

18. First there is the idea, supported by the delegations of Canada, the Netherlands, Bulgaria, Czechoslovakia, the United Kingdom, Hungary, India, Brazil, Ethiopia,

Mongolia, Pakistan, Argentina, Burma, the United Arab Republic and Nigeria, that the treaty should provide for a review conference as envisaged in the 22 May draft submitted by the United States (ENDC/249, article V). As has been pointed out, such a conference would review the operation of the treaty with a view to ensuring that the purposes of the preamble and the provisions of the treaty were being realized. At the same time the conference would provide an opportunity to consider the effect of technological or other changes on the operation of the treaty, and whether it would be appropriate to expand its scope.

19. In this connexion I should like to refer to the draft amendment submitted by the representative of Sweden (CCD/271) which in an operative paragraph would commit parties to continuing negotiations in good faith on further measures relating to a more comprehensive prohibition of the use for military purposes of the sea-bed. It has been argued that this suggested amendment would provide an additional incentive to the parties to continue negotiations towards further measures to prevent an arms race on the sea-bed. The United States has made it clear in its statements that it considers the present draft treaty as a possible first step towards other arms-control measures. That belief was reflected in the third and fourth preambular paragraphs of the joint draft of 7 October.

20. We have also stated that the present state of sea-bed technology and verification capabilities calls for a realistic measure at this time which may be reviewed later as those capabilities increase. Being committed to that principle, we have examined the various suggestions for incorporating the principle into the revised draft. After careful consideration we have concluded that provision for a review conference, when considered in conjunction with the third preambular paragraph, would provide effective and appropriate assurances. We believe that if the parties commit themselves to review the treaty after a specified period of time -- that is, five years after its entry into force -- we shall eliminate the possibility that a review might be postponed or delayed indefinitely as a result of unforeseen political circumstances. Accordingly we have included in the revised draft a new article V which provides for a review conference five years after the treaty has entered into force. The language of the article is as follows:

(Mr. Leonard, United States)

> "Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. Such review shall take into account any relevant technological developments. The review conference shall determine in accordance with the views of a majority of those Parties attending whether and when an additional review conference shall be convened."

21. Another aspect of the concern that the treaty should be a flexible instrument relates to the procedure for amendment. We have reviewed that question, and it seems to us that a procedure by which all parties would have an equal voice in deciding which amendments should be included in the treaty would provide for a more flexible treaty. Accordingly we have included in the revised draft a new article IV based on the amendments article of the outer-space Treaty (General Assembly resolution 2222 (XXI), Annex). The article reads as follows:

> "Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party on the date of acceptance by it."

22. The United States delegation believes that the new treaty provisions which the co-Chairmen are recommending today are another major step in the negotiation of a sea-bed treaty. For this progress we are greatly indebted to the members of this Committee, whose constructive comments have contributed significantly to the revised text. For our part we shall continue to study carefully all the comments that have been made in the Committee, including those made in the last few days; and we shall have those comments very much in mind when we are continuing our work in the General Assembly. The General Assembly will, of course, wish to consider this text carefully, and in our view it might be possible to decide at a later date whether any future modifications should be incorporated in response to the desires of the international community.

23. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): The discussion in this Committee of the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and ocean floor and in the subsoil thereof, submitted by the Soviet Union and the United States on 7 October 1969 (CCD/269), has shown that there is a wide understanding of the importance and timeliness of the exclusion of the vast expanse of the sea-bed from the sphere of the arms race. That task is indeed becoming particularly urgent now that the practical exploration of the sea-bed is beginning and the danger arises that this new field of human activity will be used not in the interests of peace but for military purposes.

24. The fruitful and constructive discussion which took place in the Committee shows that the submitted draft, which was drawn up, as is well known, with due regard to the views and positions of many delegations, was favourably received by members of the Committee, who approved its basic provisions. During the discussion a number of interesting considerations and proposals were put forward which constituted a definite contribution to the elaboration of the draft treaty on the sea-bed.

25. The co-Chairmen have carefully studied all the comments, additions and amendments to the draft sea-bed treaty put forward in the Committee. In analysing these views of the various delegations we naturally took as our criterion the extent to which they would contribute to the effective solution of the problem of prohibiting the emplacement on the sea-bed of nuclear and other weapons of mass destruction.

26. As the United States co-Chairman has already stated, the Soviet Union and the United States are today submitting for the consideration of the Committee on Disarmament a revised draft treaty (CCD/269/Rev.1) which contains a number of substantial additions and modifications taking into account the views expressed by many members of the Committee during the discussion of the draft submitted by the Soviet Union and the United States on 7 October. Allow me to explain briefly the modifications made in the draft treaty.

27. As has already been pointed out, many delegations paid a great deal of attention to the question of verification of observance of the treaty. This problem is of no little importance, because the parties to the treaty are naturally concerned

to have confidence that the treaty is being strictly observed. In our opinion the verification system provided for in the draft treaty of 7 October is sufficiently reliable. Nevertheless, we have carefully examined all suggestions to amend the provision on control, and in evaluating them we have been guided by the need that the system of control should be both effective and realistic.

28. As has already been pointed out, many delegations -- the delegations of Bulgaria, Czechoslovakia, the Netherlands, Brazil, Canada and a number of others -- proposed that there should be provision for a procedure to settle disputes in case consultations between parties to the treaty failed to remove doubts as to its observance; namely, that such disputes should be referred to the Security Council. We have adopted this proposal, and the resulting wording of paragraph 3 of article III has been read out by the United States representative. However, since the proposals introduced by us are of great importance, I shall read it again. It is as follows:

> "The States Parties to the Treaty undertake to consult and co-operate with a view to removing doubts concerning the fulfilment of the obligations assumed under this Treaty."

Then comes the addition which was accepted:

> "In the event that consultation and co-operation have not removed the doubts and there is serious question concerning the fulfilment of the obligations assumed under this Treaty, States Parties to this Treaty may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council."

29. Almost all members of the Committee have suggested that, like the non-proliferation Treaty (ENDC/226*), the treaty on the sea-bed should provide for the possibility of reviewing in the future at a special conference of its parties the question of how the treaty is operating, taking into account the progress of technology in the exploration of the sea-bed and the ocean floor and the subsoil thereof. That suggestion has also been accepted by the co-Chairmen. The corresponding new article V of the treaty, which has already been read out but which I shall take the liberty of repeating in view of the importance of the question we are considering in this case, reads as follows:

> "Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. The review conference shall determine in accordance with the views of a majority of those Parties attending whether and when an additional review conference shall be convened."

30. The co-Chairman also considered the question, raised by Sweden, Japan, the United Kingdom and other members of the Committee, of a more precise definition of the area to be covered by the treaty so that no doubts may arise whether the treaty prohibits the emplacement by its parties of nuclear weapons and other weapons of mass destruction within the twelve-mile contiguous zone of other States whose territorial waters are less than twelve miles wide. In our opinion the new paragraph 2 of article I proposed by us should completely remove any doubts in this respect. This new paragraph -- I shall again take the liberty of repeating it although it has already been read out by the United States representative -- reads as follows:

> "The undertakings of paragraph 1 of this Article shall also apply within the contiguous zone referred to in paragraph 1 of this Article, except that within that zone they shall not apply to the coastal state."

31. As already mentioned by the previous speaker, the co-Chairmen have also taken into account the desire of many States members of the Committee that the right of veto of the nuclear Powers should be excluded from the article concerning the procedure for the adoption of amendments to the treaty. I am referring to article IV. This article is now worded in the same way as the corresponding article in the outer-space Treaty, in accordance with the wishes expressed and the suggestions made by a number of delegations during the discussion of 7 October on the draft treaty on the sea-bed. I shall once more take the liberty of reading out the new text of article IV:

> "Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party on the date of acceptance by it."

32. Those are the modifications which have been introduced into the draft treaty. We hope that these amendments, which take into account the suggestions of the participants in our negotiations, will receive their support and approval. The draft treaty on the sea-bed is the result of negotiations carried out within the framework of our Committee over many months. We hope, therefore, that the Committee will submit the draft treaty put forward here today to the United Nations General Assembly.

33. The drafting of the sea-bed treaty will constitute a further contribution to the solution of the problem of narrowing the sphere of the arms race. This new agreement will undoubtedly contribute to the creation of more favourable conditions for preparing and implementing further measures aimed at stopping the arms race and achieving disarmament. At the same time it is a necessary prerequisite for the development of international co-operation in exploring the sea-bed and ocean floor for peaceful purposes.

34. Permit me now to make a comment in connexion with the considerations put forward by the delegation of the United States in its statement this morning regarding the method of calculating the outer limit of the twelve-mile contiguous zone. I should like to say that the Soviet Union reserves its right to express its views on this subject later on.

35. Mr. IGNATIEFF (Canada): In the light of the very tight timetable to which this Committee is now operating, I trust that my colleagues will bear with me if I offer some preliminary comments on the revised text of the co-Chairmen's draft sea-bed treaty (CCD/269/Rev.1) which has just been submitted and which, with its accompanying explanations, I must admit at first reading is not altogether unfamiliar to me.

36. We have already had occasion to welcome the co-Chairmen's original draft treaty on the sea-bed (CCD/269) as an important step towards restraining the extension of the nuclear arms race to this environment, a matter of especial importance to countries like Canada with extensive coastlines and continental shelves.

37. Even if the treaty can be considered to be a type of self-denying ordinance by the two main nuclear Powers in regard to the emplacement of nuclear weapons and weapons of mass destruction on the sea-bed, it should not be discounted any more than should the efforts of the co-Chairmen to find ways so promptly to improve their own draft in response to some of the views expressed in this Committee.

38. These new proposals are particularly to be welcomed where they offer a constructive and -- to use the words of one of our co-Chairmen -- substantial response to the criticisms expressed in this Committee by several delegations, including the Canadian delegation, that the earlier joint draft, in failing to provide for a review conference and insisting on the power of veto over amendments, showed signs of being too static in relation to the momentum of technology and the necessity of providing for adaptation. We welcome these changes.

39. With reference to other particular amendments, we have taken note of the proposed amendment to paragraph 2 of article I, which is designed to eliminate the so-called "gap". In fact, we should have preferred the very simple and deft solution for the "gap" problem proposed by the United Kingdom representative, Lord Chalfont, on 21 October (CCD/PV.444, paras. 68, 69). I might say that as a nation claiming a territorial sea of three miles Canada has a particular interest in an amendment along these lines, which would ensure that no other party could install within Canada's nine-mile contiguous zone items prohibited under the first paragraph of this article.

40. I recognize that the problem of the "gap" was originally drawn to the attention of this Committee by the representative of Sweden (ENDC/PV.405, paras. 78, 79). I might at the same time express our regret that the co-Chairmen have not seen fit to accept another suggestion by the Swedish delegation which would commit the Parties to the treaty -- in its operative as distinct from its preambular section -- to continue negotiations on arms-control measures for the sea-bed, which we support. (CCD/PV.443, paras. 8-12).

41. The revised wording for article IV removing the veto power over amendments to the treaty, and the provision for a review conference, also represent amendments which in our view constitute substantial improvements to the draft treaty; although with respect to the latter we should have preferred a specific reference to the role of the review conference in relation to verification techniques.

42. I wish, however, that on the article of primary importance to Canada and to the majority of the members of the Committee the co-Chairmen had found it possible to be more responsive. I refer of course to the subject of verification, including particularly the protection of the rights of coastal States. In submitting certain comments on this subject earlier, I offered that I called a check-list of procedures to help to clarify just what the "right to verify" in the draft of the co-Chairmen might really mean (CCD/270). Several delegations have been most generous in putting this check-list to good use, and I should like to extend to them the grateful thanks

of the Canadian delegation for their interest and support. I am afraid that the co-Chairmen have been more sparing and selective in the use to which they have put this check-list. In fact the reference in the revised text to the idea that governments "may" have recourse to the Security Council in the event that they are unable to resolve the question of a disputed installation on the sea-bed does not seem to me to give adequate recognition to a right which nations already have under the Charter.

43. Canada has consistently put forward the view that verification procedures must be devised which would guarantee the legal right of all States parties to the treaty to initiate the verification process and to obtain assistance if necessary. This should ensure that States fearing the existence of threatening installations would be able to invoke international arrangements through which they could be assured that the prohibition provisions of the treaty were not being violated. We have argued that ultimately -- and I stress the word ultimately -- only close physical inspection, if necessary with the help of States with advanced nuclear capabilities, will offer any adequate assurance of effective verification.

44. The necessity for such procedures in the verification process naturally led to concern on a fundamental issue, that there be provision in the treaty to ensure that in carrying out verification on the continental shelf any State party would take fully into account the rights and interests of the coastal State in activities on its shelf. We consider that the coastal State has the unrestricted right to verify activities of other States on its -- I emphasize "its" -- continental shelf, and that any provision for verification of the coastal State's own activities on its shelf must recognize the coastal State's right to be notified of and associated with such verification. At the very least, the treaty must not detract from such rights or appear to do so. We do not consider that the disclaimer clause in the second paragraph of article 2 adequately covers this consideration.

45. In the Canadian view, the co-Chairmen's revised draft, therefore, while containing welcome improvements in the area of verification, does not adequately meet the concerns which we put forward and which have been echoed by a large number of the members of this Committee. We have not, however, given up hope that a meeting of minds may be arrived at if we pursue efforts to understand each other's problems in this important field; and, given the apparent willingness of the co-Chairmen to take into account the views and suggestions of members of the Committee, as reflected in the draft put before us this morning, we are convinced that satisfactory provisions can be negotiated. While reacting with reserve, therefore, to the provisions in the co-Chairmen's draft which deal with the verification, the Canadian delegation pledges its co-operation with everyone in trying to reach a formula which will be generally acceptable.

(Mr. Ignatieff, Canada)

46. In presenting the revised draft the representative of the United States described it as "another major step in the negotiation of a sea-bed treaty". He also said:

> "The General Assembly will, of course, wish to consider this text carefully and in our view it might be possible to decide at a later date whether any future modifications should be incorporated in response to the desires of the international community." (supra, para. 22).

As the co-Chairmen's revised draft treaty has been presented to the Committee only in the last hours of the present session of this Conference, this, I suggest, is only a realistic as well as a constructive approach. I am assuming, therefore, that more detailed consideration of the text will now be continued at the United Nations General Assembly and especially in the First Committee thereof, and that this fact will be adequately reflected in the final report of the Committee, which I take it we shall be discussing later.

47. Mr. CARACCIOLO (Italy)(translation from French): Allow me to make a few brief comments on the revised text of the draft treaty on the denuclearization of the sea-bed and the ocean floor (CCD/269/Rev.1) which has been submitted to us today. On behalf of my delegation I should like first of all to congratulate the co-Chairmen upon their new effort, even though this has not yet led to the result for which the statements made by numerous speakers allowed us to hope. I should like nevertheless to comment on certain positive points which have obviously been included in the new text to meet the legitimate concerns emphasized by a number of delegations.

48. Thus it seems to us that the sentence introduced in paragraph 2 of article 1 is intended to meet the requirements of the sovereign rights of States within the twelve-mile zone and to specify them clearly. These requirements concern in particular the States which have a territorial sea less than twelve miles in extent. Nevertheless, I venture to point out in passing that the formula suggested by the representative of the United Kingdom in his statement on 21 October (CCD/444, paras. 68, 69) would, in our opinion, have met the same requirement in a still simpler and clearer manner.

49. Furthermore, we have welcomed with satisfaction the new wording of article IV which would abolish the right of veto by the nuclear Powers. This is a point which I particularly stressed in my statement on 9 October (CCD/PV.441, paras. 45, 46), and I am glad to note that our views and those of other delegations which have made similar comments have been accepted.

50. Having said that, it seems to us that on other specific points the amendments introduced are clearly insufficient. Thus we note first the absence of a rule reaffirming clearly and specifically the rights of coastal States over their continental

shelf. A rule of this kind would, in our opinion, have found its natural place in article III concerning verification. On this subject, permit me to point out that the distinction between simple observation and the procedures of observation made in the Canadian working paper of 8 October (CCD/270), seems to us very pertinent. In fact, we cannot rule out that, in certain cases where it would be necessary to carry out such operations, it would be opportune to envisage special procedures which, without infringing the freedom of the high seas, would nevertheless take account of the rights of coastal States over their continental shelf.

51. Secondly, we remain convinced that the intervention of the Secretary-General of the United Nations in the verification mechanism, even though unaccompanied by a corresponding obligation on the technologically advanced States, could be useful as the expression, even if embryonic, of an international procedure. Consequently, we believe it necessary to adopt the provision suggested in the working paper of the Canadian delegation, which actually provides for recourse to the Secretary-General.

52. Lastly, I wish to make a more general comment. We cannot fully support the idea that every treaty entails different control requirements and that therefore the same provisions cannot be adopted in each case. We think, on the contrary, that similar criteria are desirable in order to avoid any imbalance. While it is true that no verification procedure can ever give entirely satisfactory results, it is also true that the level of confidence should be the same for all treaties and not higher for one particular treaty -- for example, the non-proliferation Treaty (ENDC/226*) -- and lower for another. Indeed, if it is thought that for a treaty on the denuclearization of the sea-bed a lower level of confidence is sufficient, then we shall necessarily be obliged to take account of that difference in evaluation when we come to negotiate other treaties.

53. I wish to and my statement on that specific point by saying that we have noted with interest the last sentences with which the United States representative ended his statement this morning. We, too, hope that as a result of forthcoming discussions in the First Committee in New York it will be possible to achieve a final text which will be universally accepted.

54. Since I do not think that I shall have many other opportunities of speaking during this session, I should like to take this opportunity of mentioning another problem which has very recently engaged the attention of my Government. Obviously we realize, like all other delegations, that the treaty on the denuclearization of the sea-bed will not be the only problem to be debated in the First Committee in connexion with disarmament. Many other problems which have been given serious study during this

session will no doubt be discussed thoroughly in New York. Among them the problem of chemical and bacteriological weapons will no doubt have a special place. The Italian Government has followed with great attention the discussions on that subject in the Committee, and has carried out a very thorough evaluation of the problem with the specific aim of studying the possibilities of strengthening the Geneva Protocol of 1925 (A/7575, p. 117). The fact of the impending conclusion of our work here in Geneva prevents me from resuming discussion of that subject. However, the Italian delegation reserves the right to refer to it more fully during the forthcoming debate in the United Nations General Assembly.

55. Mr. FRAZAO (Brazil)(translation from French): I should like to be informed, if possible, of the programme of work of the Committee for today and tomorrow. I may have some comments to make on the draft treaty circulated to the Committee today (CCD/269/Rev.1), and I should not like to improvise them, because I believe that a statement on this subject should be well thought out. At any rate, I should like to be assured that, if the Brazilian delegation deems it necessary to speak again on the subject, it will be able to do so. My delegation -- unlike other delegations, apparently -- was not aware of the changes in the earlier joint draft proposed by the co-Chairmen. As I have already said, in view of the nature and the importance of the positions that we have taken in earlier statements, it seems to me quite natural that, having listened most attentively to the statements that have been made, we should have not only a few minutes but at least a few hours to study the draft. My specific question is, therefore, what is the programme of work proposed for today and tomorrow?

56. The CHAIRMAN (Poland): Would either of the co-Chairmen care to reply to the question just raised by the representative of Brazil?

57. Mr. ROSHCHIN (Union of Soviet Socialist Republics)(translation from Russian): If the members of the Committee deemed it appropriate, a second meeting could be held today at a convenient time, in particular in order to give them the opportunity of thoroughly acquainting themselves with the revised text. The next meeting could be held, for instance, at five o'clock this afternoon. In the light of the work that could be done at today's second meeting, it would then be possible to decide on the subsequent work of the Committee. Perhaps some members would like to have yet another evening meeting at a convenient time, for instance at nine o'clock; or perhaps some members would like to hold a meeting tomorrow. In that way all the proposals and wishes relating to organization would enable us, on the one hand, to consider in a normal way the draft treaty now submitted in its revised version, and on the other hand to discuss and adopt the Committee's final report to the General Assembly, which will be circulated, we hope, in about an hour's time.

58. Those are the considerations which we should like to suggest provisionally for the consideration of the Committee, bearing in mind that we ought to choose such a procedure as would best meet the interests of the correct, normal and orderly completion of the work of this session of the Committee, as well as the work of the Committee in the current year 1969.

59. Mr. LEONARD (United States of America): I have nothing to add to what my co-Chairman has said, which has covered the subject very well. I would only say that it might be appropriate, if the Committee were to accept the suggestion of a meeting at five o'clock this afternoon, if delegations which had ideas as to whether they would wish to have a meeting this evening or a meeting tomorrow would let the co-Chairmen know, so that they might plan the work of the Committee in the most appropriate way to meet the requirements of its members.

60. Mr. PORTER (United Kingdom): I should first like to thank the co-Chairmen and the Secretariat for the work they must have put in during the past twelve hours so that this revised draft treaty could be made available to us. I am glad to see that many of the views and preoccupations expressed around this table have now been taken into account. My comments this morning will be preliminary and therefore very brief.

61. We welcome the fact that most, though we note not all, of the suggestions which Lord Chalfont made at our meeting on 21 October (CCD/PV.444, paras. 63-79) seem to have been adopted. The gap in article I has now been closed, although the formula chosen is not the one we suggested and would have preferred. A sentence has been added to paragraph 3 of article III which makes specific reference to possible recourse to the Security Council. We are also very glad to see that, as we, a nuclear Power, suggested, the nuclear veto has been dropped from article IV on amendments to the treaty. Finally, there is now provision in a new article V for a review conference, to which we attach great importance, particularly in the verification context. These changes, in our view, are all improvements which will contribute towards broad agreement on the treaty by the international community.

62. May I just add on the question of procedure that I wonder whether it would be possible to have a meeting a little earlier this afternoon instead of at five o'clock? It is just a suggestion, so that we may have more time for discussion. I assume that at the same time we can discuss the revised report.

63. **Mr. KHALLAF** (United Arab Republics): At our meeting on 23 October I put before the Committee (CCD/PV.445, paras. 109 et seq.) the views of my delegation on the draft treaty on the sea-bed. Owing to shortage of time the two co-Chairmen have not been able -- as I can well understand -- to make any comments on those views. We now have before us the revised draft treaty and we have heard the comments on it of the two co-Chairmen.

64. I must say that my delegation is grateful to the co-Chairmen for the efforts they have made in this repsect. A very quick glance at the draft treaty makes me think that a few of the wishes expressed by us are met in the new draft but several others are not. My delegation might wish to make some further comments on the new draft, but I do not think we shall be able to comment thoroughly on the revised text because of lack of time. I am sure that is the case for many delegations and perhaps for the Committee as a whole. The Committee intends, in principle at least, to wind up its work today, and it will be impossible for delegations in the next few hours to express their views on the new draft. That is why we take it for granted that this is not the last stage of our discussion in this respect and that, as was explicitly mentioned by Mr. Leonard, the door is open for the continuation of discussions and possible amendments before the draft report is placed before the General Assembly. That is our understanding of the situation, and I thought it would be useful to say so clearly in the Committee today.

65. **Mr. IGNATIEFF** (Canada): I wish to speak only on the question of procedure. I naturally welcome the suggestion of the co-Chairmen that the Committee should be given the opportunity to discuss further the draft treaty in its revised form. They have proposed that the Committee should meet at five o'clock, which would be acceptable to us.

66. I understood that the Soviet representative said that a draft of the final report would be circulated some time today. I should like to take this opportunity of associating myself with the remarks made by the United Kingdom representative when he congratulated the Secretariat. I commiserate with them on the effort they have had to make in the last few hours of the Conference.

67. I should like to put a specific question to the co-Chairmen. Assuming that we are given a draft of the final report incorporating the draft treaty which they have submitted today, when will this Committee on Disarmament have a chance to review and comment on the final report as a whole?

68. Mr. ROSHCHIN (Union of Soviet Socialist Republics)(translation from Russian): The most appropriate procedure would be to convene a meeting at five o'clock. By that time and before the beginning of the meeting a draft of the full report will have been circulated. At five o'clock we can have a preliminary discussion of that document and of the revised draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction which has been submitted today. In the light of the work done by the Committee at the second meeting today it will be possible to settle the question of the further work of our Committee. To decide in advance now when the final meeting will take place and at which meeting the final opinion of the members of the Committee will be expressed would perhaps be meaningless.

69. Mr. IGNATIEFF (Canada): I thank the representative of the Soviet Union for the explanation he has given as co-Chairman. I quite agree it is unprofitable at this hour to decide when we are to have our final meeting; but I would also suggest that it is equally unprofitable to assume that the final report will be approved during the course of our meeting today; because we must look at the final report in relation to the amendments suggested at our previous discussion as well as those which have been made at this meeting. I for one wish to give notice that I shall have some amendments to suggest.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 447th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. Kazimierz Zybylski, representative of Poland.

"Statements were made by the representatives of the United States of America, the Union of Soviet Socialist Republics, Canada, Italy, Brazil, the United Kingdom and the United Arab Republic.

"The delegations of the Union of Soviet Socialist Republics and the United States of America submitted a revised draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269/Rev.1).

"The next meeting of the Conference will be held on Thursday, 30 October 1969, at 5 p.m."

The meeting rose at 12.20 p.m.